

COMMISSION OF INQUIRY INTO THE  
USE OF DRUGS AND BANNED PRACTICES  
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

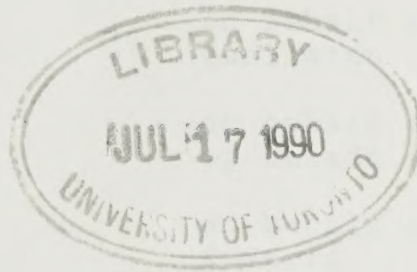
HEARING HELD AT 1235 BAY STREET,  
2nd FLOOR, TORONTO, ONTARIO,  
ON WEDNESDAY, SEPTEMBER 13, 1989

VOLUME 83





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C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
P. FOURNIER	on behalf of Jean-Guy Ouellette
A. PREFONTAINE	on behalf of the Government of Canada
A. PRATT	on behalf of Charles Francis
P. KANE	on behalf of Steve Findlay
J. FREEDMAN	on behalf of Wilf Wedmann
J.E. HACKETT	on behalf of Bruce Coulter





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--- Upon resuming:

THE COMMISSIONER: I regret the delay, but  
I had several matters which had to be resolved.

5 All right, Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.  
Commissioner, our next witness is Mr. Larry F. Eldridge.  
He's present and ready to be sworn.

THE COMMISSIONER: Thank you. Mr.  
10 Eldridge, where is he?

LARRY F. ELDRIDGE: Sworn.

MR. ARMSTRONG: Yes, Mr. Commissioner, Mr.  
15 Eldridge was good enough to provide me with a copy of his  
curriculum vitae which I have placed in front of you and  
in front of the Registrar, and would ask that this be  
marked as the next exhibit.

THE REGISTRAR: 282, Commissioner.

20 THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 282: C.V. of Larry F. Eldridge

THE COMMISSIONER: All right, Mr.  
25 Armstrong.



--- EXAMINATION BY MR. ARMSTRONG:

Q. Mr. Eldridge, looking at your C.V.,  
first of all, your education, you received your Bachelor  
5 of Arts with a major in history and a minor in political  
science and French at Bishop's University in Lennoxville,  
Quebec, is that correct?

A. That's correct.

Q. And then you have a Master's degree in  
10 Secondary School and Administration from Plattsburgh State  
College in Plattsburgh, New York, having received that in  
1971?

A. That's correct.

Q. And you did further graduate work at  
15 McGill University, both in -- or further study at McGill  
University in both 1978 and '79 in professional  
development, public relations and in marketing?

A. That's correct.

Q. And over the years you have been  
20 associated with a number of sports but, in particular for  
our interest with the sport of track and field as it's  
known in North America and in its international context,  
the sport of athletics?

A. Correct.

Q. And you had a position during the 1976  
25





Olympics in Montreal. Could you just tell us about that position, please, and what was involved there?

A. Yes. In 1976 I was Director of Athletics, and Coordinator of Rowing, Canoeing and Cycling. The position of Director of Athletics was the total organization of the track and field competitions at the Olympic Games, whereby we put together the operational plan. That started in 1973 and went through, of course, until November of '76, when we completed the programme.

It was a matter of direct relation with the international technical delegates who basically set the standards in accordance to the IAAF rules, and coordination with the other services of the Olympic organizing committee.

Q. And a capsulized version of all of that information is, Mr. Commissioner, in Exhibit 282 at page 4.

You mentioned the sports of rowing, canoeing and cycling. And what was your involvement with those sports at the Olympics in 1976?

A. The responsibility was basically of hiring the directors for those competitions and coordinating some of their activities and utilizing our own plan of organizing athletics for the rowing, canoeing and cycling.



But what it was, up until the May 1st, was really coordinating those activities and making sure they were put together since the sport was less detailed and less complicated than the athletics and, secondly, there had been major competition, international competition in those events, so it was mainly taking the directors and working with them to get them oriented into the organizing committee's management and operations programme.

Q. All right. And then, Mr. Eldridge, you became president of the Canadian Track and Field Association during the period 1977 to 1983 as indicated in your C.V. at page 2?

A. That's correct.

Q. Now, just again to clarify that position, since we have you here, that was the elected position, you were a member of the board and therefore the number one elected position in the CTFA at the time, is that ---

A. Number one elected volunteer position of the organization.

Q. All right. And the names and labels and so on have changed since then.

Your position from 1977 to 1983 was roughly similar to the position that Mr. Jean-Guy Ouellette now holds, is that correct?





A. That is correct.

Q. And during your tenure, who was the professional or permanent chief executive officer?

A. Well, the, the position that the -- in  
5 the initial stages in the -- CTFA at the time was a very small staffed organization -- the executive director immediate upon election was Heather Wallingford, who was later replaced by Jeff Elliott, and subsequently he returned to Edmonton and was replaced by Don Fletcher.

10 Q. All right. And indeed a couple of weeks ago we heard from Mr. Fletcher.

Then in addition to your responsibilities with the Canadian Track and Field Association, I note at page 2 of your C.V. in Exhibit 282 you were a member of  
15 the Technical Committee of the International Amateur Athletic Federation.

Can you just take a moment, please, and tell the Commissioner what was involved in that position?

A. I was elected to the Technical  
20 Commission, which is the, sort of rules and all related technical aspects of the IAAF to formulate and review on an ongoing basis the rules that govern competition -- not the, the rules that cover the organization but strictly related to the facilities and equipment and the  
25 governing --- and the rules governing the competitions as



such.

Our role -- or role that I had in there was to review and then was mandated for two specific areas, one being facilities, because of my own background, and the second one was two studies that were done specifically relating to the javelin, which is, was related to the throws and the implements -- nothing to do with competitors -- and the other one was related to the track events and specifically the hurdles.

So our role or my role as a member of the IAAF Technical Committee was to review these rules. Because if you understand the International Federation it goes what I call on an 8-year cycle so it takes four years to review and four years before you get a rule modification.

So we would meet two times a year, basically, a member --- members of the Technical Committee which had --- there were 12 people at the -- on the committee.

Q. And for what period of time were you a member of the Technical Committee of the IAAF?

A. '76 to '84.

Q. Now, over the -- and since, since 1984 have you been associated in any way with the sport of track and field?





A. In -- in no capacity at all other than I built athletic running tracks but that's my own business operations.

5 Q. And I see that on the front of your C.V. it indicates you specialize in the design and construction of athletic facilities and sport services throughout the world, with current projects in Canada, the United States, Mexico, Taiwan and India.

10 So since 1984 in a business sense in that capacity you're brought in touch with the sport but apart from that you haven't been associated in any official way with the sport?

15 A. No, because it's just --- one, no time, and secondly, I dedicated six years which became almost a full-time job rather than a volunteer job; the organization, the activities and the programmes, and that was one of the recommendations of the changes in the new titles that you see in the CTFA.

20 Q. All right. Now, during the period of time that you were associated with the CTFA as its president from '77 to '83, and during a roughly similar period of time from 1976 to 1984 that you were associated as a member of the Technical Committee with the IAAF, did you come into possession of any direct information about  
25 the use of anabolic steroids or other performance



enhancing substances by, in particular, Canadian athletes?

A. No direct.

Q. All right. And I take it you, in your position with the IAAF ---

5 THE COMMISSIONER: Sorry, what do you mean by 'no direct'? I'm not sure what the qualification is?

THE WITNESS: Well, to me as a direct, that there was some form of evidence or direct with people who had proof that they were utilizing performance enhancing  
10 drugs.

THE COMMISSIONER: What do you mean by 'proof'?

THE WITNESS: The proof would be as to that there was evidence, either through being in direct  
15 contact, seeing them, or to have knowledge through tests that there was evidence of them having taken anything.

THE COMMISSIONER: Through tests?

THE WITNESS: Yes, sir.

THE COMMISSIONER: That would be the only  
20 thing that constituted proof, is that what you're saying?

THE WITNESS: That's correct.

MR. ARMSTRONG:

Q. I take it that you --- I'm sorry,  
25 perhaps I interrupted? Were you going to ask another





question?

THE COMMISSIONER: That's the testing that was done in those days after competition?

THE WITNESS: Yes.

THE COMMISSIONER: Go ahead.

MR. ARMSTRONG:

Q. Thank you.

Mr. Eldridge, I take it that you were subject to the same kind of information that appeared to be fairly prevalent on the athletic or track and field scene during that period, that is, that there were certain events in which the use of anabolic steroids was prevalent, that is, in particular at that time the throwing events?

A. The .... again the, the throwing people were directed as the possibilities but again the amount of proof -- and if you review at competitions, which is where my place was -- that there were very few proven or positive tests at international events, which is the only place that there was testing up until '82 when we really started our own programme.

Outside of that there was no national governing body in the world that were doing their own testing.



Q. So up until ---

THE COMMISSIONER: Even in competition, you're saying? In competition?

THE WITNESS: Even at their national championships. International competitions or games, there was testing. Outside of that there was not.

THE COMMISSIONER: And did you assume that the testing would be an effective measure in determining the use of anabolic steroids? Testing after competition?

THE WITNESS: No, my position has been quite clear, and I believe that if you check back on the records of the International Federation in 1982 we went with a resolution which I put forward on the floor requesting that testing be held anywhere, any time, any place.

THE COMMISSIONER: That's before the IAAF?

THE WITNESS: That's before the IAAF, because I felt that that was really a games it was proven that there was nobody coming up to be proved -- or proof of positive tests. If it was a problem ---

THE COMMISSIONER: What was the response of the IAAF in those days?

THE WITNESS: As usual, "It should be the responsibility of the national governing body to start putting the -- implementing the programmes and then we'll



look at it".

THE COMMISSIONER: I see. All right.

MR. ARMSTRONG:

5 Q. Then Mr. Eldridge, I wanted to take you  
to a particular occasion and that is the occasion of the  
World Cup trials in Bolivar, Venezuela in the summer of  
1981, and Mr. Francis testified at this hearing -- now, a  
long time ago -- March 7th, 1989, and he testified that he  
10 was in a hotel room with some other individuals, including  
some throwers and Angella Issajenko, and that you entered  
the room and mentioned that you had a report from an IAAF  
representative that some very large Canadian athletes had  
been observed purchasing anabolic steroids in the local  
15 pharmacies and that you were very angry and that this was  
creating a bad reputation for Canada and the community and  
so on.

He said at that point Rob Gray replied to  
him, "Larry, we wouldn't have to buy all this cheap stuff  
20 if you hadn't cut off our food supplement money from Sport  
Canada and at that point, according to Francis, you became  
quite agitated and left the room.

25





And what comment, if any, do you have to say about that conversation? Do you recall it, first of all?

A. I recall being agitated when I entered the room, but not for the reasons given in the evidence.

5 Q. All right. Give us your recollection of why you entered the room, and why you were agitated?

A. The main problem, and there is a number of incidences that I think that are very important relating to this, but I will take this one first was that  
10 we had received -- first of all there was only one IAAF delegate at the competition. I think that needs to be clarified. Mr. Amedeo Francis, a representative from Central America.

And the problem was that I had received,  
15 through the delegates who were on the Pan-Am committee, that a number of our people, basically the throwing group, had been very noisy and the rest because we were staying in a hotel and the competition site was two hours away. So, I can understand that the possibilities that a  
20 two-hour ride out, two-hour ride back, practice, and people became a bit excited. And I was looking at the time for the national program director and coach who was in charge of the team, because I was not in charge, to relate to him to get these people to quiet down, that they  
25 were certainly --



THE COMMISSIONER: Who was that? Who was that national coach then?

THE WITNESS: Mr. Gerard Mach.

THE COMMISSIONER: Right.

5 THE WITNESS: In order to pass on a word of a little bit of discipline and that they should be a little more considerate for the rest of the people that were there.

10 MR. ARMSTRONG:

Q. All right. So, your recollection is that there was no discussion that you recall concerning these Canadians going to a local pharmacy to buy anabolic steroids?

15 A. Well, first I am not even sure whether there was a local pharmacy where we were staying. I think that what they are referring to is the gathering of the team was in Miami --

Q. This is before you got to Venezuela?

20 A. -- that the point was brought forward to me on the basis that some people were asking questions and looking at a Dianabol or a drug that was on the shelves in the pharmacy before they even arrived in Miami. And I said, fine, we will talk with you on it later.

25 And then I had hoped on the plane to discuss





it with them, but an episode had happened before we got on the plane overshadowed this whole thing and there wasn't time because a trainer who was with the team as we were getting on, came with the Toronto group, stated to the stewardess, who was trying to place the bags "Don't touch my bombs" which whether he misinterpreted or said the wrong thing. So, they proceeded to unload the plane. And he was picked up by -- the security took him into their office, the captain had the plane unloaded, all the baggage taken, and he was shipped back up here which put us on a three-hour delay before we took off for Caracas out of Miami.

So, that was the first episode that became a distraction.

On arrival in Caracas nothing was done to relative to organizing the meet. So, I became almost a meet director in helping them put the program together. And, therefore, really I had no time with the team. We were selecting the people to go to the World Cup. So, everyday at the end of competition we would meet to select the athletes. This is the Americas Cup Team Athletics.

So, in essence there was no time to discuss the point.

Arriving back in the country, and I think again if we follow through, and I do not have my report,



but a report was presented stating to the effect that this -- we needed to proceed as quickly as possible in getting some form of our own control system or testing on the people.

5                   That was really the first time it came forward to the effect that people were buying the goods.

                  Q.    Can I just take you back, please. The group was gathering in Miami, the Canadian team, presumably Canadians from all over the country --

10                   A.    Yes.

                  Q.    -- would fly to Miami and you flew as a team from Miami to Venezuela?

                  A.    Yes, Miami to Caracas.

15                   Q.    You said at the time that you were boarding the plane somebody said to you that some Canadians had been asking questions and making inquiries about getting Dianabol in some pharmacy. Have I misunderstood what you said?

20                   A.    In the -- in part what I believe, if I take the reason that the statement was said people were buying, was the factor that there was some concern if there was to be testing at the competition, which there was some testing done in Caracas, that these people possibly not be taken.

25                   For me, it was very clear. If they were



caught in the tests, if they had taken anything, they needed -- they were to be punished. And that was just left that somebody was buying a product, no names.

THE COMMISSIONER: Wouldn't you be upset  
5 about that, that they were buying Dianabol in Miami --

THE WITNESS: Well, first they --

THE COMMISSIONER: -- whether they got caught or not?

THE WITNESS: -- they weren't buying in  
10 Miami because nobody had time to buy anything in Miami when they arrived and gathered for the flight.

THE COMMISSIONER: I thought you said they were observing Dianabol on the shelf, I think you said?

THE WITNESS: No, someone told me that they  
15 were as they arrived there. One of the members of the delegation, and I believe it was Mr. Francis, but I cannot specifically remember even who the total delegation was, but it was brought to my attention.

And I believe it was brought to my attention  
20 because of the factor that there was going to be testing. Everybody seemed to be -- a response if there was testing. My position, again, was very clear. Testing, if somebody is caught, then they have -- need to be punished in the degree as the rule states --

25 THE COMMISSIONER: What year was this?





THE WITNESS: 1981.

THE COMMISSIONER: You were President of the CTFA at the time?

THE WITNESS: Yes.

5 THE COMMISSIONER: Wouldn't you be concerned that they were taking Dianabol, whether they got caught or not?

10 THE WITNESS: Well, I think that we did take the -- yes, I was concerned. And if you follow through, that's when really our policy on our control system started. And we went to 1982 to the International Federation --

15 THE COMMISSIONER: Not that event, then. Did you not reprimand the team and say you were upset that they were using Dianabol. That would be a normal thing to do, I would have thought.

20 THE WITNESS: Well, again, the delegation and the people coordinating the team and the management people would be one of the reasons that had -- it should be discussed with them and it be brought forward. I have to ask the question as President of the organization to the people who were out on the field. I was not on the field nor with the people.

25 The point was brought up that somebody, whether it was even truth you have to go back on that



matter, because if you understand the sport, somebody was always trying to implicate people quite often which there wasn't necessary evidence or it wasn't --

THE COMMISSIONER: No, but somebody, either  
5 a coach or player, was telling you in your official position as CTFA President that these people are using Dianabol or buying it or thinking about using it.

THE WITNESS: Well, they were asking the questions.

10 THE COMMISSIONER: I see.

THE WITNESS: Using, at the time whether they were or not, that was not stated.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

15 MR. ARMSTRONG: Those are all the questions I have.

THE COMMISSIONER: Thank you. Mr. Bourque.

MR. BOURQUE: I have no questions of this witness.

20 THE COMMISSIONER: Thank you. Any other questions?

Thank you very much, Mr. Eldridge.

MR. ARMSTRONG: Then the next witness, Mr. Commissioner, is Mr. Terrence B. McKinty. He is present and ready to be sworn.

25 THE COMMISSIONER: Thank you.



TERRENCE B. McKINTY: Sworn.

--- EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you.

MR. ARMSTRONG:

Q. Mr. McKinty, you attended the University of Western Ontario from which you received a BA in physical health and recreation education in 1969?

A. That's correct.

Q. You taught school then at the Lockerby Composite School in Sudbury between 1969 and 1976?

A. That's correct.

Q. Then you were a sport and fitness consultant in the years 1977 to 1980-'81 thereabouts?

A. That's correct.

Q. Then you became director of physical education at Cambrian College which I take it is a community college in Sudbury?

A. That's correct.

Q. You held that position from 1980 to '81?

A. That's correct.

Q. And then what did you do right after your position at Cambrian College in Sudbury?





A. I was -- worked for a short time as a self-employed consultant for a short period. And in the fall of 1984 I was hired by the Canadian Track and Field Association as its manager of domestic programs.

5 Q. You were in that position from 1984 to 1986?

A. That's right.

Q. Then from 1986 to 1988 you were the Executive Director of the World Junior Championships which  
10 were held in Sudbury in 1988?

A. That's right. I was on a leave of absence for two years from my position with the Canadian Track and Field Association to take on those duties.

Q. By whom were you employed when you were  
15 in that position?

A. By the Second World Junior Championships Incorporated. It was a legally constituted non-profit organization set up to host the world championships.

20 Q. All right. Are the World Junior championships, are they an IAAF-sponsored track and field or athletics meeting?

A. Yes, it is a championship open to all of the members of the IAAF Federation for male and female  
25 athletes 19 years and under who qualify.



Q. All right. Then, Mr. McKinty, you must have returned then to the Canadian Track and Field Association after the World Junior Championships in 1988, did you?

5 A. Yes, I did.

Q. What position did you occupy when you returned?

A. During my period with the World Juniors, the position of manager of domestic programs was essentially changed to that of competitions manager. And  
10 when I returned I assumed -- reassumed that position.

Q. All right. I assume that the word, the description "manager of competition" or "competitions manager" speaks for itself that the various meets that we  
15 have heard during the course of a year that the CTFA is responsible for, you are involved in the direct management of those meets, is that so?

A. Not necessarily the direct management, but the working relationship is one where a local  
20 organizing committee is usually set up to develop the meet and I work with that organizing committee to ensure that the Canadian Track and Field Association procedures and policies are followed in the meet.

Q. Now, in your manager of domestic  
25 programs between '84 and 86, did you have some



responsibility for the implementation of whatever drug testing programs that the CTFA had during that period of time?

5 A. Yes. The doping control testing program was one which fell within the position description for the manager of domestic programs.

Q. All right. And what involvement then, if any, did you have in developing procedures for the implementation of any out-of-competition testing program?

10 A. The method in which I as the manager chose to work in the area of doping control testing was to retain on a small fee or honoraria basis Mr. Tom MacWilliam whose position I had assumed when he left the association.

15 And through Tom we developed, and he was the prime architect of the development of our annual plans which were submitted by me to both the President and the Sport Canada people for review.

20 Mr. MacWilliam worked on our behalf or my behalf in that area from the time I started until I think roughly the early fall of 1986.

Q. All right.

25 A. So, I chose to implement the program by using his expertise as he had been an architect of the plan originally.





Q. All right. Now, he testified here about two weeks ago, and among other things, testified to a conversation which he had with you that he put I think in the early fall of 1986 in the Association offices. And it was a conversation that he said he had with you concerning the current or the then current status of the out-of-competition testing.

And he testified that you indicated to him that the testing program was going to go back to committee for further study, that Canada -- or the CTFA were leaders in the world, and that "we", meaning the CTFA or Canada, were too far out in front of everybody else and that we weren't going to put our programs at risk.



MR. ARMSTRONG: That Canada or the CTFA were leaders in the world and that we, meaning the CTFA or Canada, were too far out in front of everybody else and that we weren't going to put our programmes at risk.

5 He said there was then a fairly heated exchange between you and him about the fact that the out-of-competition testing programme was going to go back to committee.

10 I asked him this question,  
How you interpreted what he was saying was that they didn't want to lose their athletes through testing positive at an out-of-competition programme.

15 He answered as follows:

20 That is a conclusion that you could draw from his statement, yes. But as I say, I don't know at that time if he was speaking as an individual or whether he was speaking as the company policy and I think at that time he was expressing to me an individual viewpoint, I'm not sure whether it was the corporate viewpoint.

25 In any event, I draw that conversation to



your attention and ask you first of all if you recall having such a conversation -- or having a conversation with Mr. MacWilliam in September of 1986 about the current status of the out-of-competition testing programme?

5           A.    Yes, I generally recall the conversation and nature of it and Mr. MacWilliam's time frame I think is the appropriate one. I can't recall the exact date but I concur with his recollections of the conversation. Recollection of a conversation.

10           Q.    All right.

Now, do you agree with his version of it and, in particular, his statement to the effect that you said that we were too far out in front of everybody else and that we weren't going to put our programmes at risk and that's why the out-of-competition testing programme  
15 was going back to committee?

A.    No, I don't, I don't agree or concur with his recollection of the way the conversation proceeded.

20           My recollection is that Mr. MacWilliam came in -- and I think you have to understand again that our relationship had been one of co-workers to the degree that he was working with or for me in the development of these policies, and since early fall of 1985 had actually worked  
25 more specifically and directly with the president in the





development of a revised Canadian Track and Field Association championship --- sorry, doping policy.

I would work with MacWilliam as that policy came to various draft stages and my working relationship with him at that point was one of "Is Wilf in concurrence, is Mr. Wedmann in concurrence or not", and they proceeded.

When Mr. MacWilliam came in in September after I believe he had accepted employment in Saskatoon, on a last visit he came in and initially a minor agitated state, I suppose, to ask why or if -- and I can't recall which -- we weren't doing the random testing programme that had been a part of the policy which the board had apparently approved or had approved in, I believe, February of '86.

My response to them, both my corporate and I think personal response to him was, number one, that the president had indicated to me that in order to develop the operational procedures necessary to institute the programme that it was going to go back to, to various groups, committees, and to entertain their input into the development of the actual procedures. And to that point in time Mr. Wedmann had not instructed me to either work on operational procedures or to institute random testing.

I indicated to Tom very clearly in the initial stages of the conversation that when that did



happen, as my position dictated I would carry out the programme.

And at that point indicated that if -- and he was becoming more agitated and frustrated, I think, at the delays that he felt were unnecessary -- I indicated that he, he should more appropriately take it up with Mr. Wedmann because I was at the operational level impotent.

I was carrying out the competition testing programme on an ongoing basis but had received no instructions nor direction to do anything else.

From that point in the conversation I think we digressed. Tom continued to berate -- I don't think berate me, although I was the recipient of his anger -- expressing his frustration in -- quite vocally and in a, in a very heated manner, and I, I guess over the period of the remainder of the conversation, raised my conversation to somewhat similar levels.

I think my perception of the meeting, Mr. Armstrong, was that you had two frustrated people and perhaps for similar but some different reasons.

Mr. MacWilliam I think has articulated his frustrations and I, from what I knew of him, agreed with his referencing of those.

My frustration was more at having a very keen, serious, committed volunteer who had worked hard on



the policy beating on me and feeling that there wasn't much I could do at this point, and getting frustrated at sort of being the recipient of the anger.

Continually through the conversation I indicated that really he should be referencing these comment to Wilf. Whether or not he ever did, I am not sure.

But in the conversation some of the references to whether or not there would be out-of-competition testing, or whether or not they would impede programme .... viability or health, I can't recall making specific statements. I would, I would not have trouble believing that some of those phrases were interjected into the conversations, no question.

I think they were more matters of conjecture, of hypothesizing, of haranguing the issue, because both Tom and I had been through quite a process and we are similar in many ways in that we tend to be, at the managerial level, want to be pro-active and deliver programmes that we know have been approved.

The delay, Mr. Armstrong, in the time it takes for a board of directors of an association like the CTFA to develop a policy and then to .... get the -- and Mr. Wedmann is very strongly supportive of a democratic process where we had concurrence, and his feeling that



everyone who was going to be affected by programmes should participate in the design of the programmes, was a very slow process to get from policy to procedures.

5 I had experienced it before and I was somewhat more patient with it than Tom was.

And my recollection in summary of the conversation is that I don't recall at any point in the conversation making a corporate or a personal statement to the effect that there would be no testing or there wouldn't be out-of-competition testing.

10 Q. I take it in sum that here was a dedicated co-worker, a dedicated volunteer, as you put it, who was absolutely committed, not only to the idea of out-of-competition testing, but that it should be implemented, it should have been implemented in the fall of '86?

A. Yes, Tom is a tremendously committed person and for any who know him, a very hard driving ---

20 THE COMMISSIONER: Did you theorize why there should be such a delay in implementing it? Because he suggested you felt there was a reason for it.

25 THE WITNESS: Yes, I guess the exception I take to the transcript as I read it is, as I read it, what I got out of it is he said that I indicated that the reason it had gone back to committee was in some way a





stall to prevent the testing programme from taking place.

THE COMMISSIONER: Yes.

THE WITNESS: I took exception to that. I  
couldn't disagree totally because I hadn't been intimate  
5 with Mr. Wedmann nor the process.

But I had no misconception in my mind,  
having worked with Wilf for about a year and a half, that  
it was his style, and Wilf's style is one of wanting  
programmes to be perfect before they are implemented, and  
10 he was extremely sensitive to the branch, the provincial  
branch thoughts, the national team thoughts and others on  
any issue.

My personal frustrations were similar to  
Tom's, but being employed by them, I think as an  
15 employee ---

THE COMMISSIONER: What do you suggest,  
that by random testing in Canada alone we'd be ahead of  
the whole world and our athletes would suffer?

THE WITNESS: I think the reference to us  
20 being ahead of the world are -- or certainly at the  
leading edge -- is an accurate statement, and I think that  
comment had been broached by the, by the committees that  
developed the policy, by the people that worked on it and  
I think might have been -- and I have no sort of direct  
25 input from anybody to tell me that, but it was a personal



perception of the general climate -- was that it was a reality that we would be, and in our heated and animated conversation I, I have -- I can accept clearly that that phrase somehow was interjected into the conversation. As we sort of went around the world in our arguments.

MR. ARMSTRONG:

Q. All right. I take it, however, from what you have said, given your druthers and given your own disposition to be pro-active and get on with it, that it was at your time --- at that time your preference as well, your personal preference, at least, that the out-of-competition testing programme be gotten on with but your employers were -- had other ideas for whatever reasons you have suggested?

A. Yes, my personal style, and it's one that I don't necessarily put forward as the best style, was to be more pro-active and I think that in hiring Tom initially we had a person who was very strongly opposed to doping and he was very much in favour of a strong testing programme.

So I think as manager, as you see what I did and how I worked with Tom, yes, no doubt. No question that we wanted to.

However, I, I accepted, as an employee I



accepted the personal style and the personal .... method  
that the president chose to operate.

THE COMMISSIONER: All right.

MR. ARMSTRONG: Thank you, Mr. McKinty.

5 Those are all the questions.

THE COMMISSIONER: Mr. Bourque?

--- EXAMINATION BY MR. BOURQUE:

10 Q. Just very briefly, Mr. McKinty,  
following up on the questions the Commissioner has just  
put to you, the evidence of Mr. MacWilliam that you had  
said in this discussion of September 1986 that the CTFA  
were already leaders in the world and were too far out in  
front of everybody else and that we weren't going to put  
15 our programmes at risk, those comments I believe you said  
to the Commissioner just now may well have found their way  
into the conversation.

If they were stated by you, did they express  
your personal policy or philosophy?

20 A. Not at all. I think the nature of the  
conversation and in my role as manager, in any issue you  
can't close your eyes to all the factors that affect or go  
into the development of a programme or of a policy or a  
procedure.

25 My personal opinions were very much strongly





oriented toward the need to test and any conception -- I wasn't aware of Tom leaving the meeting with any conception that he felt I had espoused either personal or corporate policy different from what I have articulated here.

Q. Just to be perfectly clear about it, do those views, if they were expressed by you in that conversation, represent the policies, the philosophies of the CTFA at that or any other time that you were aware of?

A. Absolutely not.

Merely an observation that there were those in the sport and those affected that were aware of that reality, the reality of being at a fairly high level relative to the rest of the world or to the rest of the country in our testing programme.

They didn't at any point in the conversation that I recall reflect anything else than sort of a, an obvious observation. The corporate policy was never communicated to me as such and I have never communicated it as such.

MR. BOURQUE: Thank you, no further questions.

THE COMMISSIONER: Any questions?



--- EXAMINATION BY MR. KANE:

Q. Mr. McKinty, my name is Paul Kane and I'm a lawyer for Steve Findlay.

I'd just like to know, Mr. McKinty, a short  
5 point, whether you had occasion in February of this year to speak to Mr. Findlay about his appearance or the possibility of him testifying at the Commission and reassuring him that he needn't be concerned?

A. I spoke on a number of occasions with  
10 Mr. Findlay, I work with him, but I can't recall, I can't recall a specific conversation but ....

Q. About the possibility of his involvement or having to testify at the Commission?

A. I think -- I can't recall. I mean, we  
15 talked about the Commission, the inquiry, it was on. But I can't recall a specific one where I would reassure him. I'm not sure what I would reassure him about.

Q. Okay.

A. We communicated, we communicated  
20 regularly.

Q. Specifically a conversation that you came to him and indicated to him that he shouldn't be concerned but that if he was called to appear before the Commission, he would simply have to come before the  
25 Commission and give his evidence, that he shouldn't be



concerned about doing that, even if it involved talking about conversations with people that he had had previously within the CTFA?

5 A. I would find it hard to believe I had that conversation but, I can't recall it. I think ....  
--- well, I can't recall. I mean, I ....

10 Q. Did Mr. Casey Wade in or about the month of February 1989 speak to you and express any concern that Mr. Findlay might have to appear before the Commission and speak about a conversation that he had had with this gentleman? With Mr. Wade?

A. No, I don't recall any such conversation.

15 MR. KANE: Thank you.

THE COMMISSIONER: Thank you. All right.  
Mr. Freedman?

--- EXAMINATION BY MR. FREEDMAN:

20 Q. Thank you. Mr. McKinty, my name is Jeremy Freedman and I represent Mr. Wedmann.

25 The random drug policy in 1986 about which Mr. MacWilliams was upset, that it wasn't being implemented immediately, to your knowledge that was a policy that he developed along with Mr. Wedmann, is that correct?



5           A.     That's my understanding. That Mr. Wedmann -- I don't know if they worked on the detail, but there was a communication process between Mr. MacWilliam and Mr. Wedmann as the policy was evolving. That's my understanding.

          Q.     It was Mr. MacWilliams' evidence that Mr. Wedmann had significant input into that policy and I take it you don't have any information to suggest otherwise?

10           A.     I'm sorry, I don't, no.

          I understood they were working together and there was close communication on the development of the policy. Mr. Wedmann's personal style is that he obviously wanted to approve and be totally familiar with any policy recommendation which was being put forward to the board.

15           Q.     So I would suggest to you by the very fact that that policy was presented for approval to the board, you understood then that that policy had Mr. Wedmann's approval?

20           A.     No doubt.

          Q.     You said Mr. Wedmann's style was he wanted policies and procedures to be perfect. Is that accurate?

25           A.     I'd say that sums up his personal philosophy.





Q. You didn't doubt his sincerity in wanting a good policy and good procedures to eliminate the use of banned substances in sport; he just wanted the policies to work, isn't that right?

5 A. Absolutely.

In 'beer talker' conversations, on numerous occasions, his personal philosophy, his desire to rid the sport of whatever might be out there, was articulated off and on over a long time.

10 But his personal belief, frustrating to those working with him, was you've got to do this right, you have to go through a process.

Q. You had no doubt that his desire as expressed to you, to eliminate the use of banned  
15 substances, was a sincere one?

A. I have no doubt about that.

Q. And one way he had to make sure that a policy worked was to make sure that there was a consensus and agreement on the policy from those who would be  
20 effected, doesn't that accurately sum his attitude, his approach?

A. Yes.

MR. FREEDMAN: Those all my questions.  
Thank you.

25 THE COMMISSIONER: Thank you. Any other



questions?

MR. ARMSTRONG: I just have one more question.

5 --- EXAMINATION BY MR. ARMSTRONG:

Q. I take it that if there was a spectrum on sort of being pro-active at one end and implementing and doing things, and at the other end the spectrum is simply sort of talking and philosophizing about what ought to be done, you were at one end of the spectrum and Mr. Wedmann must clearly have been at the other?

A. I'd say Mr. MacWilliam was at one end, Mr. Wedmann at the other and I was closer to Mr. MacWilliam's end. If I can sum it up that way.

15 THE COMMISSIONER: You're the diplomat in the middle ---

THE WITNESS: Well, I'm not really diplomatic but ...

MR. ARMSTRONG: All right. Those are all the questions. Thank you.

20 THE COMMISSIONER: Thank you. Thank you, Mr. McKinty.

MR. ARMSTRONG: All right. The next witness then is Mr. Casey Wade.

25



CASEY WADE: Sworn.

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr.

5 Commissioner.

--- EXAMINATION BY MR. ARMSTRONG.

Q. Mr. Wade, you attended Brookfield High School, and where is that, please?

10 A. That's in Ottawa.

Q. And you graduated from there in 1979 and went on to the University of Ottawa from which you received your B.PHE., Bachelor of Physical Health and Education degree in 1984?

15 A. That's correct.

Q. And then you did graduate study at the University of Ottawa, receiving your Master's degree in Sport Administration in 1986?

A. That's correct.

20 Q. And I understand that in 1986 you joined the Canadian Track and Field Association as an employee?

A. Yes, I did. As the competition administrative assistant, working with Terry McKinty.

25 Q. All right. And what other positions





have you occupied at the Canadian Track and Field Association up to 1989?

5 A. I started in June of 1986 as the administrative assistant. Mr. McKinty assumed the position of executive director at the World Junior Championships in November of 1987.

10 I assumed the position of competitions coordinator working with Terry McKinty and Wilf Wedmann as sort of co-managers within the programme, and in March of 1988 assumed the position of acting competitions manager.

Q. All right. And you were acting competitions manager for how long?

15 A. For .... I suppose '88 through till --- about eleven months. I moved on in June 1989 to Sport Medicine Council of Canada.

Sorry, Terry McKinty returned in November of 1988. I was the acting manager until that time. I went back to competitions coordinator until I moved on to another position in June of '89.

20 Q. All right. Now, you are at the Sports Medicine Council of Canada since June and what is your position there?

A. Doping control programme manager.

25 Q. All right. And generally what are your responsibilities in that position with the Sports Medicine



Council?

A. With the Sport Medicine Council we are primarily a service agency, working in the context of the testing programme and education programme, and we're  
5 developing procedures for out-of-competition testing.

I had some involvement with the Canadian Track and Field Association developing those procedures, and also looking at developing and being more pro-active in education aspect of drug use in sport.

10 Q. And in that position do you work closely then with Ms. Marilyn Booth?

A. Yes, I do.

Q. What is her title?

A. She is the technical services  
15 coordinator.

Q. Then, Mr. Wade, when you were with the Canadian Track and Field Association, did you have a conversation back in about November of --- sorry, in January or early February, late January or early  
20 February --- and I think more clearly in the first week of February -- with one Steve Findlay of the Canadian Track and Field Association concerning some information that he had received while in Toronto to attend the indoor games at Maple Leaf Gardens.

25 THE COMMISSIONER: Received information



from whom?

MR. ARMSTRONG:

Q. Sorry, did you have a conversation with  
5 Mr. Findlay in which he had received information, as he  
put it, from -- mainly from David Steen, but also some  
information from Andy Higgins, the coach at the University  
of Toronto?

A. No, the only -- I mean, we have  
10 numerous conversations as employees in the office. Around  
that time line I recall a conversation which, to the best  
of my knowledge, resulted in Steve telling me informally  
about some rumours about a story that may have been  
published to a magazine for a fee by a doctor, and didn't  
15 even know who the -- what the magazine was, who the doctor  
was, but it might have been in the context of January,  
February time period.

Q. All right. Now, Mr. Findlay, when he  
testified here a couple of weeks ago, testified to a  
20 conversation that he had with David Steen, really to the  
effect that Steen on the night before at the Toronto  
Indoor Games had told him about the use of anabolic  
steroids by some athletes, including Angella Issajenko and  
others at the Mazda Group, testified about the role of Dr.  
25 Astaphan as revealed to him by Steen, testified about the



fact that he had been down to St. Kitts and been offered a vial of steroids by Dr. Astaphan, again revealed to him by Steen.

5 He said that all of this information was quite a shock to him, that he returned to Ottawa on the Sunday, was so upset by the information he received that really took Monday off, went into the office to reveal all this information to Mr. Wedmann; Mr. Wedmann wasn't in and he thought that he had mentioned the thrust of this  
10 conversation both to you and to Mr. Denis Landry, who I believe was the coordinator of the coaching -- or coordinator of coaches for the CTFA.

Now, having summarized I think reasonably fairly this evidence, do you ---

15 THE COMMISSIONER: And that he was trying to reach Mr. Wedmann that day and Mr. Wedmann was not in the office.

MR. ARMSTRONG: That's correct.

20 THE WITNESS: I do not recall that conversation, the details. My recollection around those time frames, as I mentioned earlier, is I became aware of this rumour of a story related to a magazine.

THE COMMISSIONER: What story are you talking about? Dr. Astaphan?

25 THE WITNESS: Well, knowing what I know





now, was the rumour about Dr. Astaphan and just this morning I -- the numbers and what the fees were, were thrown around, and that's basically what I knew about that rumour.

5 I should add that my own reaction to that sort of statement would have been one -- knowing that Mr. Wedmann would be knowledgeable of this information, he would have dealt with it in an investigative capacity if he was going to, if the hard evidence came in front of  
10 him -- from my own standpoint we were working pro-actively in developing out-of-competition procedures and trying to get that up and running ---

THE COMMISSIONER: Well, he was told about it and didn't take action. According to his own evidence.  
15 Mr. Findlay did tell him. Or at least -- I'm sorry, I shouldn't say that. He said he doesn't recall the conversation. He doesn't deny it took place.

THE WITNESS: Well ....

20 MR. ARMSTRONG:

Q. During -- I'm sorry, I jumped in.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

25 Q. During this same time period of



January, February, March -- if I could add March into the time frame of 1988 -- did you when you were at the Canadian Track and Field Association offices become aware of any concern expressed by the University of Toronto coaches about the use of anabolic steroids at the High Performance Centre at York University?

A. No, I did not.

Q. All right. There was, indeed, I believe, in March of 1988 a meeting that took place in Toronto with the University of Toronto coaches attended by Mr. Wade, Mr. Landry and Mr. Mach ---

THE COMMISSIONER: Mr. Wade?

MR. ARMSTRONG:

Q. Sorry, Mr. Wedmann, I meant. Mr. Wedmann, Mr. Landry and Mr. Mach, and we've heard evidence about that. Did you become aware that there was such a meeting at the University of Toronto Track Club?

A. No, I did not.

Q. All right. Now, then, Mr. Wade, I want to move along to August of 1988 and the National Championships of the Canadian Track and Field Association.

We have heard a lot of evidence about a rather brief discussion that seems to have taken place at a picnic table near the press tent at the National Championships, and various people have testified to the



nature of that discussion which seemed in general terms to relate to the athlete, Peter Dajia, and whether or not he would be able to compete internationally for Canada in the following weeks; he having been originally suspended for steroid positive tests but having been just recently  
5 reinstated by the IAAF but not reinstated according to the Sport Canada policy.

Did you have some occasion to either observe or attend a meeting at the picnic table near the press  
10 tent at the National Championships in Ottawa in August of 1988?





A. Yes, I did.

Q. Give us your recollection of who was there, and what was discussed, and what observations, if any, you made, please.

5 A. A meeting was called, I believe, by Paul Dupre as a follow up to a letter that I had received on August 2nd. It was at a picnic table at the national championships.

10 Initially at the outset of the meeting, I was standing a distance away against the fence with Chris Kelly of the Canadian Track and Field Association. And about five minutes into the conversation or the meeting, Mr. Bruce Savage signalled for me to come towards the table and take part in the conversation.

15 At the table were Mr. Paul Dupre, Mr. Jean-Guy Ouellette, and Mr. Savage, and Rob Gray. And I picked up the conversation dealing with relief of the lifetime ban of Sport Canada and his forum for appeal, and it was to the Minister.

20 And that was the extent of my involvement in that meeting.

Q. Do you know the athlete Peter Dajia or did you -- first of all, did you know the athlete Peter Dajia on that first weekend in August of 1988?

25 A. I certainly knew his name with the



whole issue of reinstatement previous to this meeting. I had never met Peter Dajia, but I knew what he looked like through photographs.

5 Q. All right. And to your recollection, when you were either observing the meeting from the fence or participating in the discussion to the extent that you were, was he present?

A. Peter Dajia was not at that meeting.

10 MR. ARMSTRONG: Those are all the questions I have of Mr. Wade.

THE COMMISSIONER: Any questions? Mr. Bourque?

MR. BOURQUE: Yes, sir.

15 --- EXAMINATION BY MR. BOURQUE:

Q. Mr. Wade, still on the subject of Peter Dajia, were you involved earlier in the summer of 1988, I believe you just said you were, in his application for reinstatement following his suspension by the IAAF?

20 A. Yes, I was. I was asked to follow through on the testing of Peter Dajia as one condition for reinstatement.

Q. And in other words, you were responsible for setting up the collection of the urine sample from Mr. Dajia?

25



A. That's correct.

Q. And who in the CTFA did you assist in this regard? Who had carriage of the file for the reinstatement?

5 A. Mr. Wilf Wedmann, who had announced his resignation earlier in the summer, was in and out of the office. And he had asked Steve Findlay and myself to handle the whole reinstatement with the supervision. My recollection is Steve was in contact with the IAAF and  
10 with the athletes to be proactive in getting an update from them where the request for reinstatement was with the CTFA.

My involvement, as I mentioned, was with the testing aspect. One condition for Peter Dajia and Rob  
15 Gray to come back into the sport was to provide a test, a negative test, at their expense. I was involved in the logistics of setting that up.

Q. And can I ask you if you recall whether there was any rush or urgency to the matter?

20 A. Yes, there was. My recollection of everything is that we trying to help Peter Dajia so that he would be eligible to compete at the Canadian Senior Championships. He was very concerned about having the test done, getting a negative test, being reinstated by  
25 the IAAF so he could compete at the Canadian Senior



Championships.

Q. Which were held when?

A. August 5th to the 7th. It was specifically to the test itself. There were -- we had  
5 some problems getting a laboratory to analyze the samples. The wheels were in motion, I believe, in late June or middle of June with the doping control officer, Dr. Paul Piccinini from Toronto, who had in fact received the materials, and he was waiting for us to confirm with him  
10 where in fact the samples would be sent.

But leading up to when the sample was provided by Mr. Dajia, he also mentioned to us that he was in fact leaving the country and he needed the sample -- he wanted to provide the sample as soon as possible so it  
15 could be analyzed and he could compete in the Canadian Senior Championships.

Q. Who said that to you?

A. Peter Dajia.

Q. Did he say it to you directly?

A. No, it was through Rob Gray. And I  
20 dealt with Rob Gray who was supposedly representing Mr. Daija.

Q. Now, Mr. Findlay, Steve Findlay, has taken the stand and given evidence about a telephone  
25 discussion he had with Mr. Dajia in the course of which





Mr. Dajia communicated a threat to expose the world's fastest man if these tests were not got on with.

Was that threat ever communicated by Mr. Findlay or anyone else to you at any time during the application process?

A. No, it was not.

Q. All right. Now, if I may bring you forward to later in '88 and in 1989 while you were still with the CTFA, were you responsible for the hands-on implementation of its out-of-competition testing program?

A. Yes, I was.

Q. We have heard evidence from Mr. Francis, Coach Francis, that Jean-Guy Ouellette had offered or agreed to have himself put on a committee which -- whose job it was to select athletes so that he could forewarn Mr. Francis or his athletes of their selection.

THE COMMISSIONER: What year are you talking about now? What year, '89.

MR. BOURQUE: This is under the competition program which was put into effect in '89, but the agreement, I think Mr. Francis testified to, was made earlier in 1988.

THE COMMISSIONER: I thought you said it was '89, I am sorry. Well, you better repeat the



question, I interrupted you.

MR. BOURQUE: Well, thank you for clarifying that.

5 MR. BOURQUE:

Q. Mr. Francis, Coach Francis, has testified that Mr. Ouellette in 1988 offered or agreed to have himself placed on the selection committee for the out-of-competition testing program in order to find out  
10 who were going to be selected so that his athletes could be forewarned.

Now, in the first place, does the CTFA out-of-competition testing program or procedure involve a selection committee?

15 A. No, it does not. It is more of an informal selection process where two parties are involved. One is the Canadian Track and Field Association, and one was the Sport Medicine Council of Canada. Either myself or a representative of the CTFA would simply go to the  
20 office of the Sport Medicine Council and actually have the Sport Medicine Council representative draw the disk numbers that were assigned to the athletes and those numbers matched up to the athletes. The Sport Medicine Council maintained records and files of the athletes that  
25 were selected. And we went back to our offices and linked



the names to the addresses and proceeded to take care of the logistics of the tests for out-of-competition testing.

Q. In 1988 did Mr. Ouellette approach you at any time about any aspect of the implementation of the out-of-competition testing program?

A. No, he did not.

MR. BOURQUE: No, further questions.

THE COMMISSIONER: Thank you. Mr.

Freedman.

--- EXAMINATION BY MR. FREEDMAN:

Q. Mr. Wade, as you heard, I represent Mr. Wedmann, my name is Freedman.

In your conversation or conversations with Steve Findlay, in or about the beginning of February of 1988, I take it from what you have said Mr. Findlay never mentioned to you that he had any information about steroid use use by Canadian track athletes from David Steen?

A. I do not recall that statement from Mr. Findlay.

Q. Okay. Well, I suggest to you, and would you agree with me, that if he had made such a statement to you you think you would recall it today?

THE COMMISSIONER: Well, Mr. Wedmann didn't deny it was made to him.





MR. FREEDMAN: Well, Mr. Wedmann said he had no recollection of that ever being suggested to him.

THE COMMISSIONER: He didn't deny it was made.

5 THE WITNESS: Yes. I would remember that. As I mentioned earlier, I remember the context of the discussion with him that he talked about the story with the magazine.

10 MR. FREEDMAN:

Q. He didn't say anything to you at that time about information from Andy Higgins about steroid use?

A. No, he did not.

15 Q. At the time he had this discussion with you, did he seem upset?

THE COMMISSIONER: Well, he doesn't remember the discussion. How can he say whether he was upset or not.

20 MR. FREEDMAN: Well, he recalls the discussion.

THE WITNESS: I recall talking to Steve Findlay about numerous things, one of the things we talked about --

25 THE COMMISSIONER: About an article.



THE WITNESS: Yes. And in the context of the discussion, I don't recall him being overly upset about anything. Just telling me the story, I think.

5 MR. FREEDMAN:

Q. Did you ever have a conversation with Mr. Findlay in or about early February of 1988 in which he came to you in an urgent manner seeming upset or anxious saying he had some information that he wanted to impart to you about steroid use by Canadian track athletes?

A. I do not recall that.

MR. FREEDMAN: Thank you, those are all my questions.

15 THE COMMISSIONER: Thank you. Any questions, Mr. Kane?

--- EXAMINATION BY MR. KANE:

20 Q. Mr. Wade, I introduced myself to you this morning as Mr. Findlay's lawyer.

You and Mr. Findlay worked together for how long?

A. Well, two-and-a-half years. I believe Steve started in the November of 1986.

25 Q. Over that period of time you had



numerous conversations?

A. Certainly.

Q. And in fairness to you, sir, as a witness, some of those conversation you are going to remember in detail and some of them you are not?

A. Sure.

Q. You do remember a conversation, I understand from our discussions this morning, a conversation that you had with Mr. Findlay in February of 1989 this year when the Commission was just starting up, Commission activities were just starting up, and Mr. Findlay came to you and indicated that he anticipated that he was going to be called as a witness before the Commission?

A. That's correct.

Q. You remember that conversation?

A. I remember that conversation.

Q. And you remember that in that conversation Mr. Findlay was expressing some concern that he would be called as a witness and that, in fact, he had gone out and retained a lawyer?

A. That's correct.

Q. You remember that in that conversation his concern and the reason that he expressed to you why he felt he should retain a lawyer was that he felt he was in



a funny position. On the one hand he was still employed -- is still employed by the CTFA; and on the other hand, he felt that if he was called as a witness he was going to have to talk about, among other things, about a conversation or conversations that he had had with one or more people within the CTFA about knowledge that had come to him regarding the use of steroids. Isn't that correct?

A. I would say that is an accurate statement, yes.

Q. This is a statement that he had made to you in February of this year?

A. Again, I don't know if it was February, but certainly we did have that conversation.

Q. All right. In addition to indicating that he had gone out and retained a lawyer, he felt you should perhaps consider getting legal counsel as well, didn't he?

A. No, he did not say that.

Q. He did indicate to you in that conversation his concern that part of his concern was that he, if called as a witness, was going to have to talk about a conversation that he had had with Mr. Wedmann, and one that he had had with you, isn't that correct?

A. That's correct.





Q. And his concern about talking about a conversation that he had with you, which he expressed to you, was that he had spoken to you at one time during the course of your joint employment with the CTFA that he had knowledge that drugs were being used by Canadian athletes; isn't that correct?

A. We basically had the conversation that we are having right now. And I told Steve the same thing at that time that I do not recall that conversation. However, I do recall the issue of the story related to a magazine article.

Q. No, I want to go back to the conversation that you had with him in the early part of this year. And he said to you part of my concern, Mr. Findlay said to you, "Part of my concern is that I am going to have to talk about these kind of conversations, these previous conversations that I have had with people within the CTFA and you are one of them and I am concerned about that --

A. Yes.

Q. -- Mr. Wade." Isn't that correct?

A. Yes, that's correct.

Q. Now, we know that you had that conversation and now I want to move back to a year previous.



What you have indicated to us and presumably during that 12-month period of time you had a number of conversations and some of those conversations if not before then then certainly after Seoul would have dealt with anabolic steroids, correct?

A. That's correct.

Q. All right. And I understand that you had, say even prior to February of 1988, you had had either been in environments where people had talked about the use of drugs, athletes' use of things like steroids, isn't that correct?

A. General, general rumor-type of things and suspicions, certainly.

Q. You had heard down at the University of Wisconsin, I think, that the football team there was rumoured to be using them?

A. Yes, I attended the University of Wisconsin for the first two years of my degree in physical education and certainly at that point there was talk of steroid use.

Q. As of February of 1988, while you were working with the CTFA, you had obviously heard of rumours as to the possibility of Canadian athletes using these prohibited substances? Idle talk?

A. Idle talk, sure.



Q. You had heard that?

A. Yes. And the one incidents that sticks out in my mind is the story of the article with the magazine.

5 Q. All right. Now, you say that Mr. Findlay told you about this article in the magazine that there is a doctor who apparently either had gone or was going to go public and talk about the use of drugs by athletes; is that right?

10 A. Yes, that's right.

Q. All right. Athletes from which country?

A. I do not know.

Q. You don't know?

15 A. No.

Q. You didn't ask the question?

A. Didn't ask the question, my understanding was on drug use.

20 Q. Mr. Findlay had this conversation with you and he told you that he had heard this from where?

A. I do not recall that.

Q. Okay.

25 A. I would suspect it was, if it was in the same context of the meeting, it would have been through Dave Steen. However, I do not recall the meeting



where in the meeting Steve Findlay saying to me Dave Steen told me this.

Q. It could have been Dave Steen?

A. Sure.

5 Q. And Mr. Findlay could have told you that it came from David Steen?

A. Yes.

10 Q. Right. I understand that this particular conversation when you were told about this rumour of something going to the press, a doctor going to the press, was at a lunch that you and Mr. Findlay had together in Ottawa; is that correct?

15 A. I don't recall a lunch meeting with him, but we had a meeting, we talked about a lot of things, yes.

Q. Okay. Do you recall ever going to lunch with Mr. Findlay during the two-and-a-half years?

A. Oh, sure.

20 Q. Okay. And during that meeting or the lunch, whichever it was, this subject came up with this doctor, et cetera. What else was discussed at that same time?

A. That was --

Q. What other subjects?

25 A. I do not recall. I mean it might have





been just subjects about anything within the office and the environment. And I do recall the issue of the story that related to the magazine. I don't recall it in any great detail.

5 Q. All right.

THE COMMISSIONER: Was your curiosity not so twiggged a bit? Did you not ask him anything about it?

THE WITNESS: Well, my position at the time would have been, it was February or March or January, I am  
10 not sure of the time, and that's --

THE COMMISSIONER: '88?

THE WITNESS: '88. We were -- at that time we had our out-of-competition testing program in place. We were being proactive in trying to implement that and my  
15 reaction would have been we have got this testing program --

THE COMMISSIONER: It wasn't implemented by that stage.

THE WITNESS: It wasn't, but it was going to be very shortly. And that was going to be an effective  
20 testing deterrent to discourage, eradicate the use of banned substances in sport.

As far as I would have had knowledge maybe it was just an assumption or Steve saying to me that  
25 certainly Wilf and whoever would have known about this.



And from an investigative standpoint, if there was I suppose hard evidence presented to Mr. Wedmann, then he would have taken it from there.

5 MR. KANE:

Q. All right. I think I would not want to be in your position of somebody going back now and asking me what exactly I discussed two years ago with one person at one particular point in time.

10 And really, sir, in fairness to you having said that, all I am suggesting to you is that some of these other matters may have been mentioned in conversation and they didn't create the kind of impact that this particular subject of a doctor going public  
15 identifying athletes did, but that is a possibility, that's all I am suggesting to you?

A. Well, because of whole issue of doping is under a microscope, certainly I am more aware of it and sensitive to it and looking back at the -- what we talked  
20 about in meetings, sure.

Q. That -- I just -- I don't know if I have been clear to you.

I am suggesting that back in February or March, whenever it was that you had this conversation or  
25 conversations with Mr. Findlay, that you may have



discussed more than one topic that you don't specifically recall.

In other words, you are not -- you don't recall these particular points, but you are not denying that some of these other points may have been discussed. That's all I am suggesting?

A. I am almost certain that if the information that Steve has presented regarding more detail on substance use related to the indoor games, I feel that I would remember that, and I don't, but I do remember the issue again of the magazine article.

Q. Okay. Well, let's talk about something a little bit more general such as the impact of the use of drugs on Canadian athletes and the impact of the use of drugs on the coaching profession in Canada.

Did you ever discuss either of those two general subjects with Mr. Findlay?

A. Not that I can recall. I mean we never had any great philosophical discussions related to that, and, no, I don't recall that.

THE COMMISSIONER: Thank you.

MR. KANE: Thank you, I have no further questions.

THE COMMISSIONER: Thank you. Any other questions? Mr. Armstrong?



MR. ARMSTRONG: No, I have no questions.

THE COMMISSIONER: All right. Thank you  
very much, Mr. Wade.

We will take our morning break.

MR. ARMSTRONG: Thank you.

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, Mr. Commissioner, our  
next witness is Mr. Jean-Guy Ouellette. He is present and  
ready to be sworn.

JEAN-GUY OUELLETTE: Sworn.

--- EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: Is this the translator  
with Mr. Ouellette here, Mr. Armstrong?

MR. ARMSTRONG: Yes, I believe the lady  
sitting to Mr. Ouellette's left is the interpreter.

THE COMMISSIONER: All right. Thank you.

MR. ARMSTRONG: All right. Now, just  
before I start, I have a copy of Mr. Ouellette's  
Curriculum Vitae and I would ask that this be 275B, is it?

THE COMMISSIONER: 275Q by now.





THE REGISTRAR: 283, Commissioner.

THE COMMISSIONER: All right. Thank you.

--- EXHIBIT NO. 283: Curriculum Vitae of  
5 Mr. Jean-Guy Ouellette.

MR. ARMSTRONG: All right. Now, Mr.  
Commissioner, what we propose to do because I generally am  
more comfortable in English, I am going to ask the  
10 questions in English and Mr. Ouellette is generally more  
comfortable in French, he is going to respond in French.  
And we have the earphones available for everyone.

THE COMMISSIONER: It is translated --  
excuse me, is the translator going to interpret into  
15 English? Is that what she's here for?

THE WITNESS: What I suggested that just  
in case I am not picking up all the information from Mr.  
Armstrong I will ask the interpreter to --

THE COMMISSIONER: I understand that. What  
20 do you prefer to do, give any of your evidence in English?

THE WITNESS: No, in French.

THE COMMISSIONER: All in French?

THE WITNESS: Yes.

THE COMMISSIONER: I see. Thank you very  
25 much. I understand. If you don't understand the



question?

THE WITNESS: Yes, exact.

THE COMMISSIONER: Thank you very much.

MR. ARMSTRONG: We followed that practice,

5 I think, with one other witness, Mr. Matuszewski.

THE COMMISSIONER: I just wanted you to be comfortable. All right.

MR. ARMSTRONG:

10 Q. All right. Then, Mr. Ouellette, I am just going to take a moment to cover some of the highlights of your Curriculum Vitae which indicate first of all that you originally came from New Brunswick. You attended the College St-Louis in Edmundston, New Brunswick  
15 receiving your Bachelor of Arts Degree from that institution in 1968; is that correct?

--- ALL ANSWERS BY MR. OUELLETTE ARE THROUGH THE TRANSLATORS

20

A. That's correct.

Q. And then, Mr. Ouellette, in 1971, you received a Bachelor of Science in Physical Education Degree from Universite de Sherbrooke; is that correct?

25

A. That's correct as well.



Q. And then from 1971 to 1975, you were back in New Brunswick and a professor of phys. ed. at the College St-Louis in Edmundston; is that correct?

A. Yes.

5 Q. And then looking at your other positions post-1975, from 1975 to 1976 you were the Assistant Director of Athletics at the Olympic Games in Montreal?

A. That's correct.

10 Q. Could you just take a moment, Mr. Ouellette, and explain to us what was involved in your position as assistant director of competition at the Montreal Games -- at the Olympic Games in Montreal?

15 A. As Mr. Eldridge indicated earlier this morning, Mr. Eldridge was director, I was the assistant director for competitions. I was dealing more closely with the administrative side of the organization of track and field for the Games, hiring of personnel, for example, all the preparation for the operating plans, and all those  
20 elements. I was responsible for that side of the affair. I had nothing to do with the technical expertise.

Q. Your responsibilities related only to the sport of athletics?

A. Yes. That's correct.

25 Q. Merci. Then in 1976 and 1979 you were



a sports consultant at the Quebec Sports Institute in Montreal and could you just take a moment to explain what was involved in that position?

5 A. The Sport Institute of Quebec was an organization which assisted Quebec's sports federations with their best athletes searching for excellence.

We at the institute were there to supervise, to oversee as the Sports Canada councillors. We were there to oversee the best Quebec athletes.

10 I worked there for four years and I was responsible for sports such as alpine skiing -- I had a whole list of sports that I was responsible for. There was a lot of them, I can't remember all of them, but at any rate I was there to counsel sport federations in the  
15 preparation of their development plans in order to bring the best athletes to the national level.

Q. Then, Mr. Ouellette, in 1979 you assumed the position of Athletics Coordinator at the University of Sherbrooke; is that correct?

20 A. That's correct.

Q. And in that -- is that position in English, in English institutions we often refer to the headman of the athletics department as the Athletic Director at the university. Is that the same thing?

25 A. No, not quite. My responsibility was





to be responsible for inter-university teams. I had nothing to do with the academic side. I just was in charge of administration of the inter-university teams and the organization of sporting events. And I was also responsible for supervising the different sports program.

Q. So, you don't carry an academic or a teaching role?

A. No, not at all.

Q. Your responsibilities are all administrative?

A. Purely administrative, that's correct.

Q. Then, you became involved as it would appear from your Curriculum Vitae at a fairly early stage in the organization of track meets and it would appear your first involvement was back in 1971 when you were the general manager of the first Madawaska Games held in Baker Brook New Brunswick; is that correct?

A. That's correct.

Q. And you might just take a moment because it is an interesting historical note seeing how far both you and the sport have come since that day. What was involved in organizing the first Madawaska Games in New Brunswick?

A. Well, when we left the university, I must say that sports, in my eyes, is something that the



entire family has been involved in. My wife has always been heavily implicated always into physical education. And what we did when we left the University of Sherbrooke to return to New Brunswick we became involved in areas or sports which had yet been developed in our backyard, if you will.

And when we arrived in 1971, we organized the Madawaska Games and we wanted to be in charge of track and field, but there wasn't even a track. So, I went to see my grandfather and I said, well, Granddad, can we perhaps have a piece of land that you own and that we could build a track on there. The first question he asked me was, well, by next year will, we be able to cultivate the land that you are going to take? And I said, well, it is going to be pretty hard because we are bringing a bulldozer in to make the track. But despite it all, he did grant his permission. And my wife designed the track. We had a bulldozer, we built the track from scratch. It was open ground, it wasn't covered. And at one point it started to rain. And let me tell you the competition was quite interesting, but we really started at the bottom and worked our way up.



Q. Then looking post-1971, I note that you were the Meet Director for Athletics in Edmundston in 1972, and in 1973 you were the General Manager of the Eastern Canadian Junior Indoor Championships held in Edmundston.

Also in 1973 you were Assistant Coach of the New Brunswick Track and Field Team at the Canada Games held in Burnaby, British Columbia that year, and indeed, your wife was the manager of the women's field hockey team at the same Games.

And then through '74 you again were involved in the organization of further athletic meets; you were the Member of the Organizing Committee Delegation of the 1976 Montreal Olympic Games at the European Athletics Championships held in Rome, among other responsibilities.

I assume all of that is correct?

A. That's correct.

Q. And then you've already told us about your appointment in 1975 as the Assistant Meet Director for Track and Field at the Olympic Games in Montreal.

In '75 as well you were Assistant Meet Director of a meet held between West Germany and Canada, is that correct?

A. That's correct.

Q. I see as well as the sport of athletics



you have ventured out into other sports from time to time; you were a Member of the Board of Directors of the New Brunswick Volleyball Association between '74 and '75, is that correct?

5                   A.     That's correct.

                  Q.     And then Mr. Ouellette, between 1972 and 1975 you were the -- you were a Member of the Board of the New Brunswick Track and Field Association?

                  A.     That's correct.

10                  Q.     And then from 1971 to 1975 you were the head coach of a track and field club with the intriguing name "P'ti-So"?

                  A.     That's correct.

15                  Q.     And that was a local track and field club that was located in Edmundston?

                  THE COMMISSIONER:     Where did it get its name?

20                  THE WITNESS:     It's because in New Brunswick in the Madawaska Region there is what we call the "Grand-So" and the "P'ti-So", which means the large one and the small one, so we decided to make the contrast and make it the "little So".

                  MR. ARMSTRONG:

25                  Q.     I'm going to pause, Mr. Commissioner, a





little bit after Mr. Ouellette's answers because  
apparently my questions are coming in a bit too quickly  
and overriding the translation.

THE COMMISSIONER: So slow it down, slow it  
5 down.

MR. ARMSTRONG: So I will be even slower  
than I usually am.

Q. Then looking further down the list of  
10 your involvement in sport, generally, and athletics in  
particular, you again through '77, '78 were involved in  
the administration side of track and field meets. I see  
in '78 you were the Coordinator of the electronic services  
at the 1978 Commonwealth Games.

15 What was involved in that position, Mr.  
Ouellette?

A. I prepared all the plans for the  
posters, for the medal ceremony, for who would be the  
announcers, during the Commonwealth Games held there. It  
20 was experience that I had acquired during the '76 Games,  
which had them come to me.

Q. And then again similarly in '79, '80,  
director of a number of competitions in track and field;  
'79, USSR-Canada meet held in Montreal; 1980, a Member of  
25 the Organizing Committee of dual athletics meet between



Belgium and Canada in Montreal, which I assume is correct, Mr. Ouellette?

A. Yes.

Q. Then you have listed in your C.V. for  
5 1980 the position of General Manager of the Canadian Senior Track and Field Championships held in Sherbrooke. Is that the indoor meet or is that -- that we're going to hear something about?

A. No, that was the Canadian championship  
10 where I coordinated all of the championships within the university and without.

Q. I see. And I see venturing again into other sports in 1980, '81, you were General Manager of the Canadian Senior Handball Team Championships held in  
15 Sherbrooke; in '81 you were the General Manager of the Canadian Junior Water Polo Championships held in Sherbrooke; 1981, again General Manager of the Eastern Canadian age group championship of swimming in Sherbrooke.

What does that mean? Or perhaps something  
20 is lost in the translation between French and English.

THE COMMISSIONER: Junior. That's the Junior championships.

MR. ARMSTRONG:

Q. Thank you.



And then going to the next page -- not wishing to really skip some of the significant pages, but it's all there for the Commissioner and all those who are interested in reading it -- going to the next page of the C.V., you become in the period '77 through '82 the Canadian delegate at the International Amateur Athletics Federation Congress in Puerto Rico, Rome and Athens.

Was that your first official involvement with the IAAF?

A. Yes.

Q. And then in the same period, 1977 to 1982, you held the position of Vice-President of the Canadian Track and Field Association?

A. That's correct.

Q. Then in 1983 you list yourself as General Manager of the Canadian Senior Indoor Track and Field Championship held in Sherbrooke, and again was that the Canadian championships that year?

A. That's correct.

Q. And then '83 you're the Assistant Chef de Mission of the Canadian delegation at the World University Games held in Edmonton, and also in 1983 General Manager of the Canadian Inter-University Athletics Union swimming and diving championships held in Sherbrooke.



Also in 1983 General Manager of the Canadian Senior Volleyball Championship held in Sherbrooke; same year, General Manager of the tri meet in track and field between Canada, U.S.A. and Italy held in Sherbrooke.

5                   Then you as well, as would appear from your C.V., appear to have been involved in the CIAU from '80 to '83, a member of the Administrative Committee of the Canadian Inter-University Athletics Union; 1984, General Manager of the Canadian Inter-University Athletics Union  
10 track and field championships, held in Sherbrooke, all of which I assume is correct?

A.     That's correct.

Q.     Then in 1985 you're chef de mission of the Canadian delegation of the World University Games held  
15 in Kobe, Japan; '83 to '86 you're a member of the board of directors of the CIAU -- I see you list yourself in 1987 as President of the Bid Committee for the World Indoor Championships, Toronto, 1991.

And has that bid been made and ---

20 MR. OUELLETTE (in English): No.

Q.     -- terminated yet? What is the situation with that?

A.     The Board of the Canadian Association had asked a committee composed of myself, Bruce Savage,  
25 Cecil Smith, to associate with business people from





Toronto in order to evaluate the possibility of the World Indoor Games being held in Toronto.

And once we did all the verifications and did everything we could do to see whether it would be economically feasible, we realized it would be absolutely impossible to have a go at it in Toronto, especially given the conditions imposed upon us by the International Federation.

Q. All right. Then in 1987, '88 you were a member of the Board of Directors of the World Junior Championships, which we have heard about many times during the course of this hearing, held in Sudbury?

A. That's correct.

Q. And then in 1988 and '89 you were a member of the Sub-Commission of the IAAF on the implementation of a World Indoor Track and Field Grand-Prix?

A. That's correct.

Q. And turning to the last page of your C.V., by virtue of your position as chairman of the Canadian Track and Field Association, you are a member of the Board of Directors of the Canadian Olympic Association, is that correct?

A. That's correct.

Q. And then immediately following that



notation in your C.V. it appears that from 1986 to 1989 you have been the Chairman of the Board of the Canadian Track and Field Association?

A. That's correct.

5 Q. Let me just go back for a moment. I think we had you in 1982 -- 1977 to 1982 as Vice-President of the Canadian Track and Field Association, and then you appear at least on your C.V. to drop out of sight between '82 and '86.

10 Are you associated in any way with the CTFA between '82 and '86?

A. Not exactly, since in 1982 I was defeated as vice-president and at that point the members of the board asked me to act as secretary for 1983. So in 15 1983 I was also involved as secretary of the Association. That was a non-elected position. I was appointed to that position.

20 Q. And then you also list in your C.V. your position as meet director and promoter of the Sherbrooke International Track and Field Meet, and I take it that's the indoor meet held in the January-February period each winter?

A. That's correct.

Q. One moment.

25 All right then, I wanted to take a moment



with you, Mr. Ouellette, to ask you what general knowledge over the years in your association with the sport of athletics did you acquire concerning the use of drugs in sport? Or in athletics, sorry?

5                   A.    I think that we'd have to go all the 'way back to '82, '83.

                  At that point I was a member of the board of the Canadian Association as vice-president and we were starting to see that there were problems especially in  
10                   certain competitions with doping.

                  So in 1980 I was one of the people --- by the way, I am the one who seconded the motion to set up doping controls during competitions. And I think that at that point we were all asking ourselves questions as to  
15                   whether it was really a serious issue or whether it was restricted to certain individuals.

                  In 1983 I must say that the Caracas Games made us react quite strongly and we said, Well, we're going to have to take all the required means to fight the  
20                   problem, because in Caracas several of the athletes at the Pan American Games decided to go home once they realized that there would be drug testing and that the tests were more sophisticated than they were previously.

                  So it was in 1983 that I was becoming more  
25                   aware of the drug problem, even though then I was in a way



involved on the board of the Association.

In 1986 ---

Q. Can I just stop you there, just for a moment, and I was --- I may have missed this as I was  
5 fooling with my machine here at the outset -- but at the -- in the period of the early '80s and up to '83 before the Pan American Games, was there any information that you had that there were specific events that, that were more affected by the use of drugs?

10 A. As I was saying, I think that it was mostly in the throwing events at that point there were some athletes who sometimes -- and of course you realize that the tests were a lot less sophisticated then -- there were some of the throwing athletes who would test positive  
15 once in a while.

So the question we were asking ourselves in the years between '80 and '83 was as to what was happening in the throwing competitions.

Q. All right. I'm sorry I had to  
20 interrupt you. You were going to go along and tell us about post-Pan American Games in --- from 1983 forward, and if you would just do that, please.

A. Well, as I was saying earlier, as of 1983, following what happened in Caracas, I personally  
25 asked myself some questions. Because there it was proven





that it was much more widespread than we had thought.

Now, without saying that this happened in every area, I think that in -- 1983 demonstrated that it was still mostly in the athletes involved in throwing.

5 In 1986 when I was elected as president -- you know, there were other people who testified here to the effect that the Association is one where rumours are rife, so there were rumours all the time which said to us that some groups are taking unauthorized substances, and  
10 those rumours, without being substantiated, made it difficult for us to act.

Now, what I would like to add here is that the rumours which were going around at the time, we were told that the rumours affected athletes involved in the  
15 sprint. And it was associated more closely with the Mazda Track Club, which were the Scarborough Optimists at the time, and I still had certain doubts about the situation because the trainer, Charlie Francis, at that point, who offered courses and workshops on his training methodology,  
20 was speaking a great deal about building muscle ---

Q. Can I just stop you for a moment -- I'm not being unfair, but I just want to get a time frame on when you first became aware of rumours or information that steroids were being used among the sprinters and the  
25 Mazda Group in particular?



A. Well, the major rumour is the one that came about when Mike Dwyer left at the end of '86.

5 It's at that point in time that I really started to question the situation, and as I was going to say, we were told that athletes --- and I noted it myself --- we were told that athletes were developing musculature at a frightening rate. But on the other hand, Charlie Francis, their trainer, was holding workshops, clinics, conferences, where muscle development was the  
10 main theme.

So even if on the one hand I had my doubts, on the other hand I had to see what Charlie Francis, who was the trainer at that time -- he had occasion to travel around the world, and he was recognized as the best  
15 trainer in the world, the best coach -- so I had doubts in '86, end of '86. Early '87.

But I really didn't have any proof that would substantiate my doubts.

Q. Let me just ask you this. Although you  
20 had your doubts by the end of '86, particularly I think focusing on a letter that got a lot of publication -- or an article that appeared in a Vancouver newspaper from one Mike Dwyer, did you think that the Canadian Track and Field Association was positioned in any way that it could  
25 actually act and do something about these rumours,



investigate them, make enquiries, implement out-of-competition testing?

Now, I've asked you three or four questions and I apologize for that. But let me ask you one  
5 question, and that is, did you think that the Canadian Track and Field Association at that point in time was in a position to act to track down these rumours, in whatever way you could?

A. Again I have to say no.

10 At that point in time there was no way, at the end of 1986 --- first of all, we did not have a policy on drug testing outside of competition. It was in the preparation stages. I do believe that Mr. Savage went over the timetable with you and went over what happened  
15 leading up to that policy.

And then again, Mr. Armstrong, you must know that in the summer of 1986, despite the fact that there were athletes against whom we had proof, they had tested positive, they had -- and they had taken us before the  
20 courts. So it was absolutely impossible for us to base ourselves upon rumours and on innuendo about the athletes of Scarborough or the Mazda Track Club. We had just gone through a legal trial where athletes had tested positive --- heavens, we couldn't have had better  
25 evidence, they tested positive.



So as far as we were concerned, before we could embark upon a study or an inquiry or an investigation, we had to be properly organized and we had to have all the evidence we needed to back us up.

5

Q. Let me stop you there for a moment. Although by the end of 1986 you did have the evidence of athletes having tested positive -- I believe you must be referring to Daija, Spiritoso, Gray, and I guess also you could add to the list Willars at that point?

10

A. That's correct.

Q. Now, they, of course, including Willars, as we well know, are all throwers.

15

When you say you had good proof or you couldn't have better proof than the fact that the throwers had tested positive, you didn't ---I mean, you didn't have that same kind of proof in respect of the Mazda Group. What you had was a lot of smoke where we now know there was also a lot of fire.

20

Now, I guess my question is -- or my question is, was there anything done to get beyond the smoke to see if there was some fire in the Mazda Group?

25

A. The only way that we could have set up an inquiry, Mr. Armstrong, we need to have the proper tools. And when I am speaking of tools, I mean the controls we needed for drug testing outside of





competition.

We had to be able to catch them in the act, if you will. We had to test them positive. Or we had to have people who were ready and willing to come forward and to help us.

People in the field, people who were familiar with the athletes, who dealt with them on a day-to-day basis, nobody came to see us to say, Well, now we're going to sit down and help the Association, we have the proof you need, the evidence you need.

Personally I was not involved with the athletes; the staff was in Ottawa, the athletes were in Toronto. We don't see them every day. We don't deal with the athletes every day.

We had to have the required tools and we did not have what we needed to proceed.

Q. Now, can you just tell me what month was it that you became chairman of the organization in 1986?

A. In June of 1986.

Q. And we know that at that meeting --- I don't know, was it the meeting in June 1986 where they agreed to send the out-of-competition proposal off to committee or was that in September?

A. I believe that it was in September.



Q. That doesn't matter, whether it was  
June or ---

THE COMMISSIONER: When did Mr. Wedmann  
become the president?

5 THE WITNESS: In 1985, I believe.

MR. ARMSTRONG: '85?

THE WITNESS: In 1985. When I became  
president he was already president. I took over.

10 THE COMMISSIONER: You're the chairman? And  
he was the president.

THE WITNESS: And in French the term  
'president' means the same thing as president and the  
chairman in English.

15 THE COMMISSIONER: I know, it's the same.  
But you're a volunteer, I think? But he's the executive?

THE WITNESS: That's right.

THE COMMISSIONER: So when you became  
chairman he was already in place as the chief executive  
officer?

20 THE WITNESS: That's correct.

MR. ARMSTRONG:

25 Q. Now, just given the kind of information  
that you were starting to get in respect of the Mazda  
Group by the end of 1986, was it any concern of yours that



the out-of-competition testing programme, so far as its implementation is concerned, had been put on the shelf by the board in September and is not going to be implemented ---

5                   A.    I don't, I don't agree with you there, Mr. Armstrong. Our anti-drug controls were not put on the back burner.

10                   You must understand that our Association is a highly democratized one. There are ten provinces in this country, so the board -- we are not a private corporation.

15                   The board cannot make unilateral decisions to the effect that anti-drug controls will be set up. The board must consult with its members, must consult with the provinces, must consult with the various committees within the organization. So to say that our controls were put away, no, that's not true.

20                   I must say that we were in a period where there were consultations happening in order to arrive, as Mr. Savage explained to you, to a policy which would have received the approval of everyone, where no one could say that they were not consulted.

25                   We are a very democratic organization, as are all Canadian sports organizations. We cannot make unilateral decisions.



Q. Perhaps my question in English wasn't either clear or fair -- it doesn't matter, whichever that may be -- let me put it this way.

What I intended to indicate was that your programme perhaps still existed, but the implementation of that part of it that related to the out-of-competition testing, that went off to committee -- and I understand what you say, that it went off because you're a democratic organization, you wished to have the views of everyone.

Let me just ask you some questions about that, however.

Since 1982 this organization, of which you had just assumed the senior elected role, had been clearly and squarely on the record in favour of out-of-competition testing. D'accord?

A. Totally agree.

Q. And four years later you are still talking about implementation, and consultation as to how it's going to be implemented. The consultation process, as we know, yields up seven responses. What Wedmann did --- or what the CTFA did --

THE COMMISSIONER: Mr. Wedman.

MR. ARMSTRONG:

Q. I'm sorry, Mr. Wedmann. Mr. Wedman





did, or somebody else from the CTFA, they sent out letters and asked for responses, which is fair enough; we get seven responses?

5           A.    Mr. Armstrong, you must understand that in '83, '84, '85 -- as far as I remember; there are so many lawyers here if I'm making a mistake on the year I'm sure one of them will correct me -- at that point in time we were rewriting our charter of human rights, if you will, within the organization. So in all of our  
10 consultations we had to take the rights of the individual into account.

          And I must say that were it not for the trial that happened in '86 with the throwers, perhaps -- and this is a hypothesis --- perhaps our anti-drug  
15 controls would have been set in --- set up a lot more quickly.

          But when we had to go before the courts at a time when we had positive tests and the Association had to spend money that we frankly didn't have, we did not have  
20 the funds to pay for the costs involved with this trial -- so for the board, the administrators of the organization, this led us to a point where we had to say, Well, we have to do whatever we can to make our position secure. We have to have a policy with procedures set out which will  
25 avoid our having to appear in court in the future.



So if you put all that together, in hindsight, I am convinced that what was done was the way that it should have been done. The controls are now set up, we have one athlete who has tested positive, and I think that it is not going to happen again.

THE COMMISSIONER: A good time to adjourn?

MR. ARMSTRONG: It might be a useful point.

THE COMMISSIONER: Well, I won't be democratic. I'm going to call the adjournment right now. No consultation. 2.30, Mr. Armstrong?

MR. ARMSTRONG: Yes, fine, thank you.

THE COMMISSIONER: 2:30, thank you.



--- Upon resuming.

MR. ARMSTRONG: Yes, thank you, Mr. Commissioner. There was one witness, Mr. Bruce Coulter, in regard to another subject who was only available with his lawyer to be here this afternoon. And I had undertaken with his lawyer, Mr. John Hackett, who is --

THE COMMISSIONER: Mr. Hackett.

MR. ARMSTRONG: -- who is present that with the good grace of you, sir, and with the good grace and cooperation of the CTFA, that we would fit Mr. Coulter in this afternoon.

THE COMMISSIONER: All right, very well.

MR. ARMSTRONG: I think everybody is in agreement that we will interrupt Mr. Ouellette's evidence and call Mr. Coulter.

THE COMMISSIONER: Very good.

MR. ARMSTRONG: He is here and ready to be sworn.

THE COMMISSIONER: Mr. Coulter. Okay.

BRUCE COULTER: Sworn

--- EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: What are your initials, Mr. Hackett?

THE COMMISSIONER: John E.



THE COMMISSIONER: Thank you very much.

THE COMMISSIONER: All right, Mr.

Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.

Commissioner.

MR. ARMSTRONG:

Q. Mr. Coulter, I understand that you attended for a period of time the University of Toronto and while in Toronto you played for the old Toronto Balmy Beach Football Club, which if I remember correctly, was part of the old ORFU, was it?

A. Yes. You have a good memory. Not too many people remember that.

THE COMMISSIONER: He wasn't that old.

MR. ARMSTRONG:

Q. And that must have been the year that the Ottawa Trojans won the Grey Cup, but we will move on from there.

You went on to the Montreal Allouettes and you were a defensive back and quarterback with the Montreal Allouettes between 1948 and 1957?

A. Correct.

Q. And then in the 1958 football season





you became the head coach of the McGill University Redman where you were the head coach through the 1961 season; is that correct?

A. Yes.

5 Q. And then beginning in the 1962 season you went to Bishops University in Lennoxville Quebec where you became Director of Athletics, head football coach, head hockey coach, coach of the basketball team, and I assume President of the university and everything else.

10 THE COMMISSIONER: I was going to ask him what else he did.

THE WITNESS: That's correct. In a small way I did -- didn't do all those things very well, but I did them all.

15 MR. ARMSTRONG:

Q. Then in the early seventies you added to your responsibilities at Bishops the position of Director of Student Affairs. And then in 1987, after the 1987 season you retired as head football coach. You still today hold the positions of Director of Athletics and Director of Student Affairs at Bishops, is that correct?

A. Yes.

25 Q. And then let me just turn to the subject of the use of drugs by university football players



in Canada.

Did you at Bishops at some point in time become aware that there was the use of drugs or consideration of the use of drugs by Canadian football players and a concern about that fact?

A. Yes, I did become aware of it, and I can't remember the exact date, but it was in 1982 or 1983 that we decided as a university and as a coaching staff that we should address the situation or address the problem, as it were.

Q. Did you then in addressing that problem develop a policy in your football program to deal with the situation?

A. Yes. In those days the information was not as good as it is these days. However, we were able to get some resource material. And Sport Canada was helpful in handing out some useful information which we gave to the football team.

And during my pre-game -- at least my preseason speech, when I touched on many things, but we touched -- not touched, we insisted players become aware of steroids, what their effects were. And we advised them against using them. And, in fact, said that we wouldn't have them on the team at all if they were found out.

Q. I think you mentioned a pre-game



speech, you mean a preseason speech?

A. I thought I corrected myself, I meant preseason.

THE COMMISSIONER: He did, he said the  
5 preseason.

MR. ARMSTRONG: I am sorry.

MR. ARMSTRONG:

Q. Apart from addressing the players in  
10 your preseason speech about the use of steroids, was that part of an overall speech or lecture that you gave to the football team about their position and the university society and the role that they ought to play?

A. Very much so. I considered that  
15 probably one of the most -- or probably the most important thing I was to do all year for the football team members. We not only covered the inadvisability of doing steroids, but we tried to teach them more or less a way of life.

We asked them to engage in certain social  
20 rules about not drinking during the season or at least during the week prior to the game. We talked in terms of not swearing too much. We talked in terms of having some considerations for other people's feelings and to behave themselves as much as possible on a Saturday night because  
25 they were visible people in a small town. And we tried to



emphasize the fact that they should be good citizens beyond the rules situation.

Q. All right. Then you mentioned that there wasn't as much information and the degree of  
5 sophisticated knowledge about the use of drugs back in the early eighties as there may be today, but did you make it a point of seeking out whatever information was available and either distributing that information to your football team or at least making it available to them?

10 A. Yes, we did. As a matter of fact, as I mentioned before, as long ago as '82, Sport Canada had put out some documents that dealt directly with steroids and we handed those out to the players.

Beyond that, there was resource material  
15 from different publications in the United States and Canada that dealt with drugs in general and steroids in particular. And we used to use that resource material to gather information that we felt would be useful to the students, to the student athletes.

20 Q. All right. You have provided me with some of the information that you had available at that time and that was handed out.

And I propose, Mr. Commissioner, to file each one of these pieces of literature as an exhibit.

25 THE COMMISSIONER: Very good. Can you file





them as a block, though? I think you can make them all one exhibit, I think, couldn't you? I know they are all different items.

MR. ARMSTRONG: Perhaps we can put them all  
5 in a file folder and have them marked as --

THE REGISTRAR: 284.

MR. ARMSTRONG: -- 284.

THE COMMISSIONER: All right.

MR. ARMSTRONG: All right. Then why don't I  
10 just list these and then they can all be put in Exhibit 284.

The first is an article that appeared in a periodical called the Physician and Sports Medicine of August 1984 entitled Medical Ethics in Sport.

15 The next is an article that appeared in the same publication in August, '84 entitled Divided Loyalties and Sports Medicine.

And the next is a publication by Health and Welfare Canada entitled Drugs and The Athlete by Donald L. Cooper, MD. I am sorry, I am just trying to find the date  
20 of this.

THE COMMISSIONER: Well, the two I have are August '84.

MR. ARMSTRONG: Yes, I am sorry, I can't  
25 readily locate a date on this.



THE COMMISSIONER: All right. Well, we will look at it.

MR. ARMSTRONG: But it is all identified in any event.

5 Then there is our old friend published by the Sports Medicine Council of Canada, the pamphlet entitled Banned, Restricted, and Permissible Use of Drugs in Amateur Sport that must have appeared almost more often than any other exhibit in this hearing, but we can include  
10 that as part of the package.

There is then from Fitness and Amateur Sport a communique entitled the Eradication of Drug Use, dated December 14, 1984.

15 And I believe, Mr. Commissioner, this communique which has attached to it a statement entitled Fitness and Amateur Sport Policy on Drug Use and Doping Control is also a separate exhibit, but it can be included in the package from Mr. Coulter.

20 THE COMMISSIONER: I have only got three so far.

THE REGISTRAR: Three -- four.

MR. ARMSTRONG: Okay.

MR. ARMSTRONG: What about Drugs and the Athlete, did I give you that?

25 THE COMMISSIONER: Yes, by Donald Cooper.



MR. ARMSTRONG: That's it.

THE COMMISSIONER: Are there just three?

THE REGISTRAR: Four.

MR. ARMSTRONG: I think there are a total  
5 of four. Maybe I didn't hand one up to you.

THE COMMISSIONER: All right, I will get  
it.

MR. ARMSTRONG: I know I didn't hand one up  
to you because you practically have got it memorized.

10 THE COMMISSIONER: All right, thank you  
very much, Mr. Armstrong.

--- EXHIBIT NO. 284: File folder containing four  
documents from Mr. Bruce Coulter

15 MR. ARMSTRONG:

Q. Then, Mr. Coulter, I just wanted to  
take a moment to draw to your attention some -- well, let  
me before I draw a particular piece of evidence to your  
20 attention, did you at any time during your tenure as the  
head football coach at Bishops University become aware of  
the use by any of your players of anabolic steroids or any  
other performance-enhancing drugs?

A. No, I can honestly say that I didn't  
25 during all those years.



Q. All right. A witness appeared here a week or so ago by the name of Mario Chagnon who, I believe, was a member of the 1987 football team, is that correct?

5 A. Yes.

Q. And during the course of his evidence he said that there were five -- first of all, he said that he, during a period of time, used steroids himself and that he said that during the 1987 there were five starters  
10 on the offensive line who took steroids for sure, as he put it. And then he went on to say that he thought there were a total of ten on the team who took steroids during -- in relation to the 1987 team.

What comment, Mr. Coulter, do you have on  
15 his evidence?

A. Well, the statement came from the Canadian Press and I was quite shocked at the time and disappointed. And I said that's I suppose it is conceivable but the coaches certainly weren't aware of it  
20 and I still believe that, but since then I have had a chance to check. And I have talked to at least three people on the offensive line of that year.

They are all quite furious at the fact that Mario would make an allegation like that. I can tell you,  
25 for example, that our starting right tackle was badly





overweight and the only thing he ever did was lose 20 pounds and that would indicate he was not involved with steroids when you are trying a weight loss program.

Our right guard, for example, was tightend  
5 formally and tried desperately to put on weight and after three solid years of diligent work in the weight room and eating a whole lot of pasta was able to gain a total of 16 pounds or something like that. And he's particularly unhappy with Mr. Chagnon's allegations.

10 Our left guard, much the same thing. There was a weight gain in this particular case, but not significant, over a three-year period a matter of 25 pounds or something like that.

Our left tackle came from Syracuse  
15 University and I understand that when he was there he weighed over 300 pounds and when he played for us in 1987 his weight was down to 276, which would hardly indicate any steroid use during that time he was at Bishops University.

20 So, my answer to that is that I am surprised at the allegations, but I am no longer surprised that my players would indicated that they used them because I firmly believe that they did not.

MR. ARMSTRONG: Those are all the questions  
25 I have. Thank you, Mr. Coulter. Mr. Hackett may have



some questions.

THE COMMISSIONER: Mr. Hackett.

--- EXAMINATION BY MR. HACKETT:

5 Q. Mr. Coulter, you mentioned to us that  
at the beginning of each season you made an introductory  
speech, shall we say. Could you explain to the  
Commissioner how you would describe your priorities? Now,  
I am talking about the priorities that you set forward to  
10 the players on the your team?

A. Well, contrary to what has been said  
here before, football is not the main priority even with  
the football players.

My -- our main concern, of course, is that  
15 those young people graduate from school and that they get  
a degree. That would be the number one priority. And it  
was so stated at those preliminary speeches that I gave.

Surprisingly, it is not even the number two  
position that we win championships. Again, the number two  
20 position that I always took was that, as I explained to  
Mr. Armstrong, was that they become decent citizens in a  
community and that they behave themselves. And that was  
my second option.

And finally through hard work and good  
25 coaching, hopefully, we could win some championships and



win some games.

Q. If I understand correctly from what you just said, winning wasn't everything as far as you and your coaching staff was concerned?

5 A. Winning was terribly important, but it wasn't everything, that's quite right.

Q. If I understand correctly, Mr. Coulter, it was made clear to all the players that should anyone be found taking steroids they would be kicked off the team?

10 A. Absolutely.

MR. HACKETT: Fine, I have no further questions.

THE COMMISSIONER: Any questions?

I should say, Mr. Coulter, that when Mr.  
15 Chagnon testified he did say when "I arrived at Bishops in August '86, the coach was Bruce Coulter at the time. He made a speech before the season, introduced the coach and the players. He also said he advised the players don't take steroids because for him it was ridiculous to take  
20 steroids because of all the facilities that the university have about weight room and all the stuff like that. He said the players don't need steroids because they have a nice weight room."

I gather that would be included I guess in  
25 what you did say at the beginning of the season?



THE WITNESS: That's correct, yes.

THE COMMISSIONER: And that is the only evidence of any probative value on this record with respect to you. There is no evidence of any probative value that you did otherwise, whether you encouraged or  
5 condoned the use of steroids.

Unfortunately, a gratuitous comment which has no probative value at all, an opinion, was read into -- the press read much more into it than it was  
10 warranted.

And what Mr. Chagnon said, which is the only evidence, made it very clear that you made it clear to the team that they were not to take steroids.

So, that there is no -- there is no evidence to the contrary and there is no reason to think otherwise.  
15

THE WITNESS: Thank you.

THE COMMISSIONER: But I am glad that you came forth to at least clarify which, unfortunately, the part that I read to you was never apparently reproduced in  
20 the media at all.

THE WITNESS: That's correct.

THE COMMISSIONER: Whatever else was said was not -- was not actually evidence that was given. But, thank you for coming forth.

25 And when was the -- I remember your days in





football. When did you give up coaching at Bishops, did you say '87?

THE WITNESS: '87 was the last year.

THE COMMISSIONER: The last year. Well,  
5 thank you very much. Thank you for your assistance, Mr. Hackett.

MR. HACKETT: Thank you.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you.

10 THE COMMISSIONER: Thank you.

JEAN-GUY OUELLETTE: Recalled.

MR. ARMSTRONG: If I could just have a  
moment just to shuffle my papers --

15 THE COMMISSIONER: All right.

MR. ARMSTRONG: -- Mr. Commissioner.

THE COMMISSIONER: We are back. Thanks,  
Mr. Ouellette, for allowing -- thank you for permitting  
this interruption to your testimony here.

20 MR. ARMSTRONG: I have lost my glasses.  
Here there are.

THE COMMISSIONER: Are you all right, Mr.  
Armstrong?

MR. ARMSTRONG: I think I am all right.

25



MR. ARMSTRONG:

Q. Mr. Ouellette, before the luncheon adjournment I think you had been telling us about what your knowledge had been during the early to mid-eighties of steroid use among Canadian athletes.

We have covered the situation of those who had tested positively. We had covered what talk you had heard of concerning the Mazda group. And I think we were at about September of 1986 when we discussed the fact that the policy of the out-of-competition testing had been referred to committee of the CTFA, and you have provided your explanation as to why that was done.

I take it from what you have said that you must have supported the decision to refer the out-of-competition testing program back to committee for consultation with coaches, provincial organizations, athletes and so on?

A. Yes.

Q. Then I wanted to refer to some specific instances of evidence that we have heard of during the course of this -- that we have had heard during the course of this Inquiry. And first of all, Mr. Bogue who was the Athletes Services Representative of the CTFA testified that early in Mr. Wedmann's mandate, which both Mr. Wedmann and you have said was 1985, Bogue had a



conversation with Mr. Wedmann which, indeed, Mr. Wedmann puts the conversation not in 1985, but in 1986. So, there are kind of two time tables for it, if we --

THE COMMISSIONER: Well, it is the same --

MR. ARMSTRONG:

Q. But it is clearly the same conversation. According to Bogue it was '85, according to Wedmann it was '86.

And it went roughly this way, at least according to Bogue, that there had been a discussion between him and Desai Williams, and that Desai Williams had indicated that Ben Johnson was using steroids, and that he wanted to set up some kind of, I think he even referred to it as a sting operation, but some kind of an operation in which working with Desai Williams they would be able to do a surprise test or an out-of-competition test on Johnson. And he said that --

THE COMMISSIONER: No, he was going to bring him there when the drugs arrived, I think.

MR. ARMSTRONG: That's right. He said he would know when the shipment came in.

THE COMMISSIONER: I am not sure he's talking about the test, the out-of-competition testing. Somehow they were going to trap him.



MR. ARMSTRONG:

Q. They were going to trap him some way.

And I think the evidence leaves two possibilities: That they were going to set up a sting operation when a shipment came in, or, alternatively when the shipment of drugs came in, they would know when Johnson and perhaps others were going on the drugs so that they could then know that that might be an appropriate time to do an out-of-competition test if that was the device they used.

Now, Bogue went on to pass on this information to Mr. Wedmann -- Mr. Bogue passed on this information to Mr. Wedmann. And in fairness, he did not tell Mr. Wedmann the name of Desai Williams. He said a prominent sprinter or a prominent athlete from Toronto.

THE COMMISSIONER: Within the Mazda group.

MR. ARMSTRONG:

Q. Yes, at York University. I think you are well aware of what that evidence was. I don't want to try everybody's patience by going through it laboriously, but was any of that information brought to your attention in 1986 when you became the Chairman of the Canadian Track and Field Association?

A. Not at all.

Q. Just so that we have it clearly on the





record, I take it that neither Bogue nor -- neither Mr. Bogue nor Mr. Wedmann brought a story like that or any story about the use of steroids to your attention at that time?

5                   A.     Never.

                  Q.     All right. Then, I want to take you then, Mr. Ouellette, to some evidence in the -- from Mr. Francis in the fall of 1986. And I think I can summarize it fairly, but it may take a little time to summarize it, but I will try summarizing it rather than reading it, and  
10                   if people think it is more fair that I read it, I will get the transcript.

                  But Mr. Francis testified that in 1986 he decided that he would talk to you as a friend and as  
15                   somebody he considered a friend of the athletes about the problem that the athletes were facing in terms of the implementation of random drug testing.

                  And he said that he went to you, he explained that random testing -- that if random testing  
20                   was going to be truly honest and truly universal, then it would be acceptable, but that he and his athletes could not agree to it if the Canadians unilaterally put in an out-of-competition testing program.

                  And he went on to say that he explained to  
25                   you what was going on in the international scene in terms



of the use of drugs. And he was frank to say that he did not tell you about any names and was careful not to mention the names of any Canadians, but told you what he believed were, these are my words, the facts of life on the international scene so far as the use of steroids was concerned.

And he said as a result of your receiving this information, you were upset, then disturbed by it, and that your response was that you would check it out with people that you knew internationally and get back to him.

He believes that conversation took place in the fall of 1986 at a coaches' meeting in Toronto. Have you followed me in how I have summarized that?



A. Okay.

Q. Then that, of course, you and I know, is not the end of this scenario, of course, but it's the beginning, and let's take it in pieces.

5 Did you in the fall of 1986 in Toronto have a conversation such as that with Mr. Francis?

A. I did not have any meeting with Mr. Francis in the fall of 1986.

10 However, in December -- rather, towards the end of December, Mr. Francis contacted me and, as you know, when Mr. Francis would contact me, it would be to let me know how unsatisfied he was with the treatment he felt he was receiving; he felt he wasn't being treated as everyone else.

15 And when I was elected chairman I decided to try to bring Mr. Francis back into the fold of the Association. He was at odds with everyone within the Association and I thought that if I could mediate in some way, I would have met a personal objective.

20 So at the end of '86 Mr. Francis called me to tell him (sic) that he was unsatisfied with the way the Association was treating his athletes and with the treatment he was receiving from the Association, and he was saying at that point that he had received a lot of  
25 offers from other countries to move himself, his athletes



and his club into any number of other countries.

And I said to him, Well, listen, on January 7th I have a meeting in Toronto at the CIU, the semi-annual meeting of that Association which took place at the Constellation Hotel, and I said, Well, if you like, we can meet then.

So on January 7th I met with Mr. Francis, we had lunch together, and Mr. Francis said at that point that he was very frustrated, that he had had it -- and I'm not going to use quite the vocabulary Mr. Francis used with me because I don't think it would be appropriate -- but he felt that he was frustrated, he was fed up with the Association, he was considering moving himself and his athletes to another country;

The discussion lasted for a while, I must have listened for him go on and on for about a half hour, and at one point he asked me, just out of the blue, So, what's happening with the drug control measures?

And I said, Well, we were finalizing the policy and the procedures which would be sent out for consultation purposes to the athletes, the coaches, the various branches, and that he as well, of course, would have an occasion to express his opinion.

I mean, you must realize it wasn't only Mr. Francis who was asking me what was happening with the drug





control measures. Any athlete I ran into would ask me the same questions, whether it was Sanderson, Doug Clements, everyone, all these people were asking me the same question.

5                   So I told Mr. Francis, as I was saying, that we are working on the policy, on the procedure, and that we were moving towards a policy of drug testing, and he said at that moment, Well, I hope that it won't be like what is done in Europe or in some countries, those are  
10                   drug controls that are done outside the sphere of competition and that are fixed.

                  And then he said, Well, with all the rumours going around that some athletes are taking drugs, I hope they are not always going to be testing the same people.

15                   I must admit I was somewhat taken aback because I didn't imagine that in other countries, notably England, which is a country that he mentioned, that it would be possible that the controls would be fixed.

                  I said, Well, listen, I'm going to Europe  
20                   very soon because you must know that in the past two years I have been present at the federal board level, since I was invited to submit a report on the preparations for the World Junior Competition, so every four months I was asked to go and give them an updated situation. Well, in any  
25                   event, I was able to frequent people in the....



Well, I said, Charlie, I'm going to take what you're telling me, I am going to verify this information with my colleagues overseas and then we'll see what the situation is, whether it's true or false.

5 And the meeting we had, that was what we discussed. And not what Mr. Francis discussed in his testimony.

Q. Now, when he suggested to you that the controls would be fixed, what I take it he meant was that internationally the, the testing at competition was fixed,  
10 is that what he meant?

A. No. He was talking about drug testing out-of-competition.

What he was saying, and he said it in his  
15 testimony before this Commission, he said that in England, for example, not all of the athletes were in the pool of people who would be tested. Some of the best ones were excluded, that's what he told me about at that point.

Q. Now, when Mr. Francis raised this whole  
20 issue with you in January of '87, did that cause you any concern, because by January of 1987 or December '86, January '87, you'd already heard rumours, at least?

A. Yes. Well, you must know Charlie Francis to know that at times he can be incredibly  
25 convincing. In the way he, he told me of these things,



it's as if he wanted out-of-competition testing the very next day.

So saying to myself, I, I was a little bit hesitant, I didn't know whether I had his support or whether he was testing me. But as I told you this morning, we were watching -- we had Mr. Francis giving clinics, workshops throughout the world and an element of his coaching technique is muscular development.

I must admit that at that point I believed that he was sincere when he was talking about drug testing. And when he was discussing the problems that existed elsewhere. That's really all I can say to answer your question.

Q. I think I may have missed something and if you've already told me, I apologize, but was Mr. Francis saying on the one hand, "I am in favour of out-of-competition testing but if Canada is going to have out-of-competition testing, it's got to be fair, and there is a problem here, Mr. Ouellette, because the out-of-competition testing that exists outside of Canada, particularly in Britain, is not fair".

Am I understanding that?

A. Listen, Mr. Francis did not say that he was in favour of drug testing. He asked me at what stage we were at, and then he told me of the problems which



existed in other countries.

What I want to say is that he was being so convincing that my reaction was to believe that he was therefore in favour of out-of-competition testing at that point in time.

Q. All right. Now, did you as a result of that conversation ---

THE COMMISSIONER: Was that the entire conversation that Mr. Francis reported as of that date?

MR. ARMSTRONG: I'm sorry. I'm sorry, I believe it is, yes.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: Just give me a moment to check my note, but I believe that to be, at that point in time ---

THE COMMISSIONER: Yes.

MR. ARMSTRONG: --- or we have what is not surprising, another instance here of, I think, two people talking about the same conversation but at a different time. Mr. Francis refers to the conversation having taken place ---

THE COMMISSIONER: No, no, I'm not worried about the date, Mr. Armstrong.

MR. ARMSTRONG: All right. I think that is ---





THE COMMISSIONER: All right, thank you.

MR. ARMSTRONG: --- I've given it to Mr.  
Ouellette fully ---

THE COMMISSIONER: All right.

5 MR. ARMSTRONG: --- according to the  
Francis version.

Q. And I take it, Mr. Ouellette, we have  
your full recollection of the conversation late in  
10 December and early in January?

A. That's correct.

MR. ARMSTRONG: . Good.

THE COMMISSIONER: Thank you.

15 MR. ARMSTRONG:

Q. Then Mr. Francis testified ---

THE COMMISSIONER: I'm sorry, you asked him  
what happened next. I think I interrupted you, Mr.  
Armstrong. What he did next.

20 MR. ARMSTRONG:

Q. Yes. Then as a result of that  
conversation with Mr. Francis, did you in fact make a  
point of checking out the scene internationally, if I can  
25 put it that way?



A. Yes. In March of '87 at the World Championships in Indianapolis, I started to attempt to learn a bit more about these rumours which at that time, more specifically, was the British Federation.

5 I didn't have a great deal of success with this endeavour in Indianapolis, but at the end of March when I went to the Federation's board meeting in Rome, on my way back from Rome I stopped in Switzerland where I have a friend, someone I know quite well, who is the  
10 director of competitions for the Lausanne meet. This person's name is Jackie de Lapierre.

And Jackie had contacted me a few months earlier to tell me how competition directors in Europe -- to tell me, rather, to what extent competition directors  
15 in Europe were fed up; had had it with the way Charlie's group was behaving, and how they had had it, were especially fed up with the agent.

All the competition directors in Europe were signing -- were having agreements with the Mazda Group and  
20 when the people arrived there was always something that didn't work or they were being threatened with non-participation if they didn't fork out more money.

So this is what Mr. de Lapierre told me about a few months earlier. And which we at the  
25 Association were concerned about. I had spoken with Mr.



Wedmann about it.

While I was about this I asked Jackie whether he had heard any of these rumours about Britain -- and here I want it to be clearly understood -- he told me that those were simply rumours which were making the rounds in Europe to the effect that in Europe there were some athletes whose names were not put into the pool from which names were drawn for the testing. But he told me that those were nothing but rumours.

So I came back to Canada, and in the beginning of April when there were board meetings, I brought these rumours before the board and ---

Q. Can I just --- sorry, can I just stop you there for a moment before we go on with what went on at the board meeting in April.

I just want to be clear as to whether or not -- your conversation that you had with the meet director at Lausanne, Jackie de Lapierre, did you talk about out-of-competition generally in Europe or did it relate specifically only to Britain?

MR. OUELLETTE (in English): No, we -- oops.

Q. En Francais, s'il vous plait.

A. At that point we only dealt with Great Britain. Because that was the topic that Mr. Francis had



brought forward. That was the example that he had quoted me. And it is by using that example that I tried to get information about the international scene from Mr. de Lapierre.

5 We did not deal with any other competitions or any other countries where there may have been testing problems.

Q. All right. You were going to tell me that you came back to Canada then prior to the April board meeting. I don't want to interrupt the orderly flow of  
10 your chronology, but at some point did you speak to Mr. Francis or was that after the April board meeting?

A. I don't remember whether I spoke with Mr. Francis before or after the board meeting.

15 But I do know that Mr. Francis contacted me and I told him at that point that, yes, it was very true that there were rumours flying around Europe, but I told him that the board was proceeding with drug testing which would be absolutely foolproof and that we would not have  
20 those problems.

And that furthermore we, the Canadian Association, as we had started in 1982, I think Mr. Eldridge said this morning, we were going to continue our lobby with the International Federation so that  
25 out-of-competition testing would also be applied and





accepted by the International Federation. Just as we were doing with the new regulation dealing with the junior age group.

Just to come back a little bit, at the 1986 Congress in Stuttgart, we had proposed to the International Federation that the junior age category, female junior category age should be brought up to the same age group as for the boys. And we had recommended that we go home and we carry out certain physiological studies to see whether the development of boys and girls at that age was similar.

So I was using that example with Mr. Francis. And I was saying, Look, in Canada we have always been able to lobby at the international level to have certain regulations adopted. We didn't succeed in Barcelona, perhaps, but in the past we have succeeded.

And I felt that that point was important, given that we were preparing our out-of-competition testing policy, that we should also work at the international level so that they would be accepted at the International Federation as well, and that is what I told Mr. Francis when we met.

Q. Well, again bear with me for a moment -- and I just want to give you Mr. Francis's version from the transcript as to what he believed to be



the follow-up to this initial conversation that you and he had about out-of-competition testing and the scene internationally.

5 He said that a few weeks after that first discussion, which he put in the fall of '86 --- you put in late December of '86, early January of '87 -- that you called him at home, you said that it appeared that what Charlie Francis had told you was true; you went on to say that you had been in favour of getting rid of all the  
10 drugs but that you could not understand how Canada was going to be more Catholic than the Pope; you stressed that -- or Mr. Francis stressed that they should find out some multi-lateral approach to this thing so that Canada would not be eliminated from international track and  
15 field.

And I think that was Mr. Francis's view, rather, there should be some multi-lateral approach to the subject.

20 You said that you would try to discuss this situation at the board of directors' level and see if anything could be done.

And then he -- well, I think I'll just stop there because I think that, in fairness, on the evidence that is his recollection of what your report back was on  
25 the international scene, and have you followed me?



A. Yes, I have perfectly understood you.

Q. Ah, merci. All right. Now, let's have your comment, Mr. Ouellette, on Mr. Francis's evidence in that regard?

5 A. As I said, I told Mr. Francis just what I have told you.

I was one of those members of the board who always wanted out-of-competition testing. I never told Mr. Francis that we didn't have to be purer than the  
10 driven snow.

I think that Mr. Francis sometimes substitutes conversations to the ones that really occurred. I remember some conversations that I have had where -- with Mr. Francis where I used the expression,  
15 literally translated from the French, to be more Catholic than the Pope, where some --- and we were talking about athletes who decided to change their air reservations and there was a difference in the fare and the Association didn't want to accept a \$15 expenditure, and that's where  
20 I may have said that one didn't want to be purer than the driven snow.

But when I returned from Europe I never used the expression; I never told Mr. Francis that we shouldn't put ourselves in a worse position with respect to other  
25 countries. I said rather to the contrary, that a policy



should be put in place and as soon as possible.

Q. All right.

Then, Mr. Ouellette, Mr. Francis said that there were further conversations with you, over the years, as he put it, and he said that you always expressed the view that you had been against the view of anabolic steroids but that subsequently -- and I don't think he put a time on this at all -- but that subsequently in this course of the conversations over the years, you said that, in fact, if other countries were not going to honestly clean up their act, that you had become opposed to introducing out-of-competition testing.

What do you say about that?

A. Look, in my personal philosophy I have always said that one has to clean one's own yard before trying to impose regulations upon others.

So it is absolutely false to state that I would have said to Mr. Francis that I was against out-of-competition testing.

On the contrary, I believe that the board which I led, which I still lead, I believe that we faced up to our responsibilities, we carried out the work that was required. I believe that we were working not toward a short-term solution but rather toward a long-term solution. I think Mr. Savage was quite clear on that





point. And I supported Mr. Savage in everything he submitted to the board.

I never said to Mr. Francis that I would try to delay out-of-competition testing. I never said that.

5 Q. All right. Then, Mr. Ouellette, Mr. Francis testified to a telephone call which he had with you from Formia, Italy in June of 1988. I believe he put the date of June 20th, 1988, and he testified that at that time one of his athletes had heard that random testing had  
10 been passed at the board of directors of the CTFA; it was unclear to them in Italy what the situation was going to be when they returned to Canada, and that at the request of Angella Issajenko and some of the other athletes, he phoned you to find out what the situation was in Canada.

15 Are you with me so far?

A. Oui.

Q. All right.

Then Francis went on to testify that in the course of this conversation you advised him that you would  
20 try to find out a way to warn the athletes selected for testing under understand the CTFA out-of-competition testing programme, and indeed, you went on to suggest that, according to Mr. Francis, that you would try and get yourself appointed to the random doping committee.

25 And I believe it was in the same



conversation that he said that you were determined that random testing would not be implemented in Canada prior to the Olympic Games.

What do you ---

5 THE COMMISSIONER: Well, first of all, did he call you from Italy?

MR. ARMSTRONG: Yes, I was going to ask that question.

10 MR. ARMSTRONG:

Q. What do you say about whether or not there was such a conversation -- or telephone call from Italy or what do you say as to his version of it?

15 THE COMMISSIONER: Well, was there a -- did he call from Italy?

THE WITNESS: I don't remember having received any phone call from Mr. Francis from Italy.

20 What I do remember is that when there was a split, if you will, between Ben Johnson and Charlie, at that point I remember -- following a recommendation by Gerard Mach, I remember contacting Charlie in Europe to encourage him to say, Listen, the problem with Ben will be settled.

25 But I don't remember having received any phone calls from Charlie Francis when he was in Italy.



The only phone call I remember receiving ---

THE COMMISSIONER: Where did you call him -- when you called, where was he, then? When you called him?

5 MR. OUELLETTE (in English): I called ---

THE WITNESS: I don't remember where I ended up reaching him. I do remember contacting him in Europe.

10 THE COMMISSIONER: So he could have been in Italy, then, could he?

THE WITNESS: Perhaps he was in Italy, I don't know.

15 But at any rate, at that point we never discussed any drug testing. I think it would be a little bit foolish for me to have said to Mr. Francis that I would join a committee that doesn't exist within the Association. Mr. Francis's allegation that I would be named to the committee in order to select the athletes is ludicrous. I believe that Mr. Savage and Mr. Wade  
20 confirmed it this morning; there is no such committee. That is absolute fiction on Mr. Francis's part.

25 And I would like to repeat that the phone call I made to Europe was following a recommendation by Gerard Mach to encourage Charlie to try to reunite him with Ben because there were all kinds of rumours saying



that the two were going to split, and I called Charlie to say, Listen, hang in there, it's going to be settled, and just --- and that was the entire conversation that I had with Charlie.

5                   Q.     How well did you know Charlie Francis and for what period of time?

                  A.     Well, I met Charlie in 1981. I know him since I was the organizer of a competition in Sherbrooke. Charlie would come to Sherbrooke with his  
10                   athletes, and I had dealings with him to have his athletes' participation. I am not closely acquainted with Mr. Francis.

                  As I said earlier, when I was elected president of the organization, I tried to play the role of  
15                   peacemaker between Charlie Francis and the rest of the staff. And that is where a certain discussion between us took place. But to state that I know Charlie Francis well is not at all a representation of the truth.

                  MR. ARMSTRONG:     All right, then, Mr.  
20                   Commissioner, I am going into some documents that --- all of which, I think, are in Exhibit 271, if the Registrar could get that for you.

                  And I'm sorry, I should have got a set of these for Mr. Ouellette.

25                   THE COMMISSIONER:     Is that Mr. Wedmann's





file?

MR. ARMSTRONG: It's Mr. Wedmann's file.

It's a handy reference for where the documents are.

THE COMMISSIONER: A series of letters.

MR. ARMSTRONG: A smaller three-ring  
binder. That's it, I think.



THE REGISTRAR: 271, is that what you are looking for?

THE COMMISSIONER: It was during Mr. Wedmann's evidence. Is that -- it is more like it. Thank you.

All right, Mr. Armstrong. Thank you.

MR. ARMSTRONG: Thank you. Just give me a moment now, if I may.

MR. ARMSTRONG:

Q. Mr. Ouellette, would you turn to tab 11 of the book and you will see there is a letter dated March 18, 1988, to Mr. Lund -- sorry, to you and to Mr. Wedmann.

THE COMMISSIONER: To Mr. -- yes.

MR. ARMSTRONG: Sorry?

THE COMMISSIONER: No, you are right. I see Mr. Ouellette and Mr. Wedmann.

MR. ARMSTRONG: Thank you.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. If we could just follow this along for a moment, Mr. Ouellette. The letter reads:

"I am writing to you to express a personal concern which I feel that you and the CTFA



must address.

Given my involvement and long association with Track and Field I am aware of events and occurrences in our sport.

5 It has recently been of an increasing frequency that athletes, coaches and administrators have expressed their concern to me with respect to the coaching and training methods and practices that are  
10 being employed and developed at the National Sprint Center.

I would like at this time to request that an assurance be given to the CTFA Board of Directors at our next meeting by the  
15 President and the National Coach and High Performance Director, that all aspects of the Sprint Centres operation is being done within the existing rules of the IAAF and the CTFA.

20 Please treat this request as being serious. I would like this item dealt with in camera and in confidence before the Board of Directors at our next meeting.

In this instance, I assume that the National  
25 Coach is fully aware of the Sprint Centre's



operation. If this is not the case then he should do what is necessary to satisfy himself and the Board with respect to the continued integrity of the sport of Track and Field.

I look forward to your early response."

Now, did that letter or a copy of that letter come to your attention sometime after March 18, 1988?

A. Yes, sir.

Q. How did it come to your attention?

A. I don't remember how. I don't remember whether it came directly to my home or whether it went to the association. I do remember receiving the letter. I received it a few days after the date of March 18, but I had also received a phone call from Mr. Francis somewhere around the end of March where he was saying that if the association did nothing to silence the U. of T. people, he would file charges against the University of Toronto. And he was saying our athletes are clean and nobody can say otherwise.

So, what I did was to contact Mr. Wedmann and together we agreed to hold a meeting with the people at the U. of T..

And while all this was happening, I received





the letter from Mr. Lund. So, we dealt with the two issues. We dealt with the complaints of the U. of T. and Mr. Lund in a parallel fashion. They were dealt with at the same time.

5 Q. All right. I am going to come back and ask you some questions about that, but just to put this all in context, if you would turn with me to the next letter at tab 12 of Exhibit 271. And that's a handwritten note written -- addressed to J. Guy and yourself only,  
10 meaning Wilf Wedmann.

And it reads:

"Dear Wilf:

The operation of the Sprint Center, its coaches and athletes are being scrutinized  
15 by all aspects of our society.

I just want to be assured that we (sport and board) will not be embarrassed. If what is being discussed openly in Toronto is true, then we must take steps to rectify the  
20 situation...

The rules are ours and I want to be able to ask Gerard and get a reply from him before the entire Board of Directors.

Please give me a call re this!

25 Rolf."



Did you, Mr. Ouellette, receive a copy of this handwritten note that's addressed to you and to Wilf Wedmann?

5 A. I must admit to you that this is the first time I have ever seen this letter. I have never seen this letter.

Q. You mean right now?

10 A. Now, this is the first time I have ever seen it. Other letters we were discussing earlier, yes, those I received, but never this one.

15 Q. Now, let me take you back to approximately five to six weeks before the letter of March the 18th. You, I believe, are aware, you may even have been present for the evidence of Mr. Findlay, to the effect that he had had what for him was quite a disturbing discussion with David Steen on the Saturday morning following the track and field meet at Maple Leaf Gardens in late January of 1988. Were you present for that evidence --

20 A. Yes.

Q. -- of Mr. Findlay?

A. Yes.

25 Q. And you heard him describe the revelations that were made to him by David Steen concerning the involvement of Dr. Astaphan, with not only



Angella Issajenko, but an almost attempted involvement with David Steen himself concerning giving him a vial of steroids which ultimately he returned.

5 You heard the evidence, I am sure, of Findlay say that Steen told him about steroid use among the Mazda group of athletes and his concern.

10 And then I am sure you heard him say that he reported all of that to Mr. Wedmann, who was then your president and chief executive officer, the following week over the telephone and subsequently in a meeting face to face the following Thursday.

15 Did you ever become aware, prior to the issue being raised in this hearing, did you ever become aware that Findlay had had such a conversation with David Steen?

A. I was made aware of the situation by Mr. Dupre some four months ago. I was never aware of that incident prior to Mr. Dupre's telling me about it some four months ago.

20 Q. Now, Findlay also said that on that Saturday after the Toronto Maple Leaf Gardens meet that he had a conversation with Andy Higgins, and that Andy Higgins of the University of Toronto Track Club expressed concern about what I think it is fair to describe "a mixed message" being sent out to the University of Toronto track  
25



and field group by the CTFA. That is, on the one hand the CTFA was opposed to the use of steroids and had a policy in place that made that clear, but on the other hand, they were being held up, I think, not to ridicule, is too strong a word, but being held up as an example of having fallen below the achievements of the York University track group which Higgins thought was being aided by the use of steroids.

And again, that was something that came to Findlay's attention which then again came to Wedmann's attention. Did that concern of the University of Toronto track club coaches, as expressed by Andy Higgins, come to your attention?

A. As I said earlier, I would imagine that it is following to the statements of Mr. Higgins that Charlie called me at the end of March to tell me that if the association did nothing to silence the rumours going around Toronto, he would launch a suit against the University of Toronto. And at that point he said to me "all our athletes are clean".

And that is all that I can answer you, Mr. Armstrong, because Mr. Higgins never contacted me. I was never made aware of the situation, with the exception of the phone call from Mr. Francis.

Q. The evidence that we have heard here is





that as a result of the concern expressed by Mr. Higgins, and it is unclear whether it actually came through Findlay or through other sources, but, in any event, as a result of the concern of Francis at least there was a meeting at the University of Toronto track club sometime in March of 1988 and that meeting took place with Mr. Wedmann, Mr. Mach, and Mr. Landry being present with, I believe, Mr. Higgins and two other or three other coaches.

And did you become aware that that meeting took place?

A. I was aware of that particular meeting since when Mr. Francis called me to tell me that we had to do something with respect to the situation at the University of Toronto where rumours were being launched, I contacted Mr. Wedmann and I said it may be an idea, a good idea, to meet with the University of Toronto people and also with Charlie's group and the people at York. I asked -- I personally asked Mr. Wedmann to do so.

Q. And tell me then, Mr. Ouellette, you were not present at that meeting. Did you get a report back of first of all what had occurred at the meeting with the University of Toronto coaches?

A. I had a report about that meeting in Sudbury when there was a board meeting. And Mr. Wedmann told me that a meeting had been held in Toronto with the



people at U. of T.. He had made -- carried out his inquiry to see if there could be any evidence. He was told that they could not provide any further evidence other than to say that something was happening at York. And then he asked Mr. Mach to meet with Charlie to ask him whether anything untoward was happening at the University of York, something that went against the regulations of association.

What Mr. Wedmann answered me was, no, Mr. Francis completely denied that anything untoward was happening at York University, anything at all that would convene our regulations.

So, as far as Mr. Wedmann was concerned, the issue was closed. And in my position of Chairman of the Board, when an investigation of the like is carried out by someone in Mr. Wedmann's position, I tended to agree with him since there was no evidence.

There was a meeting between Mr. Mach and Mr. Francis, and then as far as I was concerned, the situation was settled.

Q. Now, going back to the letter in Exhibit 271, tab 11, dated March the 18th, a letter by the way which is also marked as a separate Exhibit 248, Mr. Lund said to you and to Mr. Wedmann, I have already read this, but I wanted to focus on this one sentence:



"It has recently been of an increasing frequency that athletes, coaches and administrators have expressed their concern to me with respect to the coaching and training methods and practices that are being employed and developed at the National Sprint Centre."

Now, just stopping there, Mr. Lund, when he was here and testified, made it clear that what he was, of course, referring to was the use of steroids.

He said that he believed both you and Mr. Wedmann understood that that's the issue he was addressing. And I take it from what you have said already that you agree that that's what he was zeroing in on. He was saying, look, there is increasing concern with increasing frequency, we are hearing from athletes, coaches, administrators that these people at York are using coaching and training methods that are employing steroids.

You knew that's what the indictment was?

A. Yes.

Q. Now, if -- we, of course, now know that that was the case, but we agree that hindsight is 20-20 vision. So, let's assume for the moment that we don't know what we know now, but assume that Francis was using



these methods and others were using these methods at York, did it occur to you in March of 1988 that that -- if that was the case, that they were not going to admit it?

5           A.     Look, I am going to repeat what I said this morning. There were different rumours floating throughout the organization every week to ten days. From there to put a hand on hard evidence to be able to take action was a whole other matter.

10           We were unable to control the situation even if I knew, one, myself that we asked Mr. Francis about it I didn't think he would say yes. I couldn't see this person admitting that all his athletes were on steroids.

15           However, since I didn't have any proof, since I didn't have any tools, since I had over the past two summers faced litigation, our hands were tied. There was absolutely nothing we could do.

          Q.     Well, let me suggest a couple of things, Mr. Ouellette. What about asking somebody else other than Mr. Francis?

20           I mean assuming that Mr. Francis, if he was employing these methods, was unlikely to admit it at that time, would there not have been a possibility of sending someone from the CTFA down to talk to other athletes, other coaches, other people at York University who might  
25           provide you with more of an insight and, indeed, might





have provided you with the very evidence that you were lacking?

A. Keep in mind what I told you earlier, I said that already Mr. Francis and his group were threatening us with litigation if we were unable to stem the flow of rumours. So, since we did not have any evidence, it was impossible for us as far as we were concerned to set up any type of inquiry.

And I repeat that was our point of view and that was the view of the Board. I think that the Board at that point was doing its utmost to put into place the drug testing measures because in our minds that was what we required in order to come to a solution to the problem.

Q. Now, Mr. Lund, in the next paragraph of his letter to you and Mr. Wedmann of March 18 says that he wants assurance given that this issue will be addressed at the next Board of Directors' meeting which we know was scheduled for April of 1988, and was that issue placed on the agenda?

A. No.

Q. Why not?

A. Because a meeting with the people from the University of Toronto had been held, there had been a meeting between Mr. Mach and Mr. Francis. Therefore, we had no basis, we had no proof. Mr. Wedmann and I agreed



to provide the information to Mr. Lund during the meeting in Sudbury, and that is what we did.

Q. As I understand from the evidence of Mr. Lund, the information was provided to him not in the meeting itself, but either before the meeting began or at some point outside of the meeting?

A. Not before the meeting; he wasn't there before it started, he arrived late. So, it would have been quite difficult to give him the information then. He arrived late.

So, I met with him during the course of the weekend. I told him exactly what I am telling you today. And I said, Rolf, if you have any evidence, if you have any proof, bring it forward and then we can move on it. Otherwise, there is nothing we can do, we will just be massacred. That is what I told Mr. Lund.

Q. And when you put that to Mr. Lund, what information -- if he had any information to bring it forward and to give it to you, did he tell you that he had had a conversation with a coach at York University who had expressed some concern to him about the situation with the Mazda group?

A. No.

Q. Did it occur to you since from a member of your Board the representative of perhaps the largest or



second largest branch of your organization that is the Ontario organization to put this on the agenda at your April board meeting and say, look, we have had a serious issue raised here by the representative from Ontario, we have looked into it in the following way, that is we have met with the University of Toronto coaches, we have confronted Mr. Francis, here are the answers that we have received. Since we have no further information at this time, it is not our intention to proceed with this.

Was any report like that made to your group?

A. No, because you must understand when we meet, we meet three times a year. That is how often the Board comes together. We have 24, 25 items on the -- our agenda at each time.

Now, if we are able to settle certain matters outside of the Board, especially when it comes from a particular member, that's what we always did, and that's what we did in this case.

Here, we could settle the problem since there were meetings held with both parties, the parties on the U. of T. side, the parties on the York University side. So, we went to Mr. Lund and said here are the results of our consultations. We feel there is nothing to be done.

And at that point Mr. Lund was saying the



same thing. He was saying, well, we have no further evidence, we can't take it any further.

And that is why it was not put on to the agenda of the meeting. We were able to provide the information to the Director who requested it without going before the entire Board.

Q. Well, I understand that, and what you say. I guess the thrust of my question was that perhaps, and I ask you this really as a question, perhaps there might have been something to be gained since the rumours appeared to be rife at this time and since there was the level of concern that there appeared to be, that if you put it to the whole group, then somebody else might have said, well, why don't we do X, Y or Z. Or somebody else might have said, well, I know something further about this and we might approach it differently than we have already done.

It just seems, and I suggest to you, Mr. Ouellette, that the issue is raised, it is dealt with by going to the U. of T. coaches and saying tell us what the hard evidence is, they say they have none,, you then go to the York University and speak to Mr. Francis, and, in effect, say, we hear you are on steroids and what have you got to say. And he says, tell those guys to keep their mouths shut or I will sue. Boom, that's the end of it.





And I am just suggesting to you that at least in retrospect there might have been a better way to deal with it?

5           A.    You said it quite right, in retrospect perhaps that is what we should have done. But, Mr. Armstrong, you must realize that different members of the board arrive with similar situations. I have people who write to me or who phone me and they say they are not happy to see who is going to be head coach for the Olympic  
10 team, for example. Am I to bring that before the Board as well.

In my role, and as far as I am concerned, the Board is there to set policy. We have a structure now that is a corporate structure with volunteers as well.  
15 So, there are some things that must be left to the staff.

In this issue, I believe that Mr. Wedmann did the work that he could do. A lot of things have been said against him, but you must remember that Mr. Wedmann, other than being head of our staff, he also had to deal  
20 with the budget. He also had to concern himself with any legal matters.

So, for Mr. Wedmann the way to work was to have proof, to have evidence before pursuing any type of investigation.

25           THE COMMISSIONER:     Mr. Ouellette, these



are matters of priorities, all items on the agenda are matters of priorities, and I would have thought that the threat to your organization as evidenced by the letters and the other rumours would be a matter of very high priorities.

THE WITNESS: Mr. Commissioner, I must say that at that point in time, doping was not a priority for us. In April at that meeting, we had just received the resignation of the CEO, we had points on the agenda which were very important points, and we were working on our out-of-competition testing policy, that was our priority. And after having --

THE COMMISSIONER: You have a letter from a senior director, and you had seen earlier letters and articles by Mr. Dwyer, which, in effect, said that we are -- our future is threatened if we don't do something about it. That's what he is saying?

THE WITNESS: Yes, I agree --

THE COMMISSIONER: Well, let me ask you this, I don't mean to interrupt you, but suppose Mr. Findlay had come to you as he said he went to Mr. Wedmann and told you that Dr. Astaphan admitted to him that he was giving steroids to one or more of the Mazda athletes. Would you have taken any action?

THE WITNESS: It is quite difficult to



answer that in hindsight. I don't know. I don't know what my position would have been. I think that Mr. Wedmann employed a given position. I can't tell you what I would have done had I been in his place.

5 THE COMMISSIONER: Thank you. Would this be a good time to adjourn?

MR. ARMSTRONG: Yes, it would.

THE COMMISSIONER: Is it a convenient time for you?

10 THE COMMISSIONER: Yes.

MR. ARMSTRONG: Yes, thank you.

THE COMMISSIONER: All right, tomorrow morning at 10 o'clock. Thank you.

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